

**A Government-to-
Government**

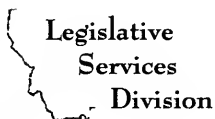
Relationship

*Final Report of the
State-Tribal Relations Committee*

STATE DOCUMENTS COLLECTION

JAN 28 2005

MONTANA STATE LIBRARY
1515 E. GLADSTONE
HELENA, MONTANA 59601



PO Box 201706
Helena, MT 59620-1706
PHONE: (406) 444-3064
FAX: (406) 444-3036
<http://leg.state.mt.us/>

Montana State Library



3 0864 1003 2908 8

Table of Contents

Chapter 1: Origin and Responsibilities of the Committee	1
Committee Membership	2
Committee Administration	3
Committee Activities	3
Committee Recommendations	4
 Chapter 2: Liaison With Tribal Governments	 5
Fort Belknap Indian Reservation	5
Northern Cheyenne Indian Reservation	16
 Chapter 3: Encourage State-Tribal Cooperation	 26
Jobs for Montana Graduates	26
Department of Fish, Wildlife, and Parks	27
Board of Pardons and Parole	28
Department of Labor and Industry	29
Office of Public Instruction	30
Montana University System	30
Gambling Control Division	31
 Chapter 4: Conduct Interim Studies	 33
House Joint Resolution No. 8	33
 Chapter 5: Available Materials	 46
 Appendices	
Appendix A: LC 361--Committee-Sponsored Legislation	
Appendix B: Committee Response to Issues Presented by the Fort Belknap Tribe	
Appendix C: Staff Letter to Glen Little Bird on Recertification Issue	
Appendix D: Presentation of the Montana Board of Pardons and Parol	

Appendix E: Legislative Proposal by the Montana Department of Justice
Appendix F: Montana Statewide Dropout and Graduate Report
Appendix G: Recommendations from Public Hearings on HJR 8

Chapter One

Origin and Responsibilities of the Committee

The State-Tribal Relations Committee (Committee) was created in 1977 as the Committee on Indian Legal Jurisdiction. The purpose for creating the Indian Legal Jurisdiction Committee was to meet with various Indian tribes in Montana to identify common bonds between Indians and non-Indians and to propose legislation for the mutual benefit of both groups. The Indian Legal Jurisdiction Committee's major recommendation to the 1979 Legislature was the creation of a select committee on Indian affairs. The Indian Legal Jurisdiction Committee further recommended that the 1981 Legislature create a permanent Indian affairs committee if the select committee proved valuable in improving Indian/non-Indian relations.

The 1979 Legislature accepted the recommendation and created the Select Committee on Indian Affairs. However, although subsequent Legislatures recognized the importance of the Indian Affairs Committee in acting as a liaison between Indian people and the Legislature by reauthorizing the committee every legislative session, there was a reluctance to create a permanent Indian affairs committee. Finally, in 1989, the Committee on Indian Affairs was established as a permanent, statutory committee.

The purpose for creating the Committee was to meet with various Indian tribes in Montana to identify common bonds between Indians and non-Indians and to propose legislation for the mutual benefit of both groups.



In 1999, the Legislature passed Senate Bill No. 11 (SB 11) that reorganized the interim committee structure by consolidating committees and establishing permanent interim committees with membership drawn from specific session standing

committees. SB 11 eliminated the Committee on Indian Affairs and folded its responsibilities into the newly created Law, Justice, and Indian Affairs Committee (LJIAC). The LJIAC was selected to serve as the forum for state-tribal relations because many of the issues affecting state-tribal relations would most likely be addressed by the House and Senate Judiciary Committees. The membership of the LJIAC was drawn from these committees. At the same time, the Coordinator of Indian Affairs was circulating a proposal to create a Commission on Indian Affairs that would be attached to the Executive Branch. This proposal eventually became a study resolution assigned to the LJIAC. It seemed appropriate, then, for the LJIAC to assume state-tribal liaison responsibilities in light of the possibility that a commission would be created.

At the end of the 1999-2000 interim, after months of study, the LJIAC recommended that because of a lack of general support for the idea, the proposal for a Commission on Indian Affairs be tabled. In its place, the LJIAC recommended to the Legislative Council and the 57th Legislature that a separate State-Tribal Relations Committee be created that would assume the LJIAC's state-tribal liaison responsibilities.

During the 2001 legislative session, the Montana Legislature passed Senate Bill No. 10 that made significant changes to the legislative interim committee structure. One of the changes was the creation of a State-Tribal Relations Committee with the following responsibilities:

- to act as a liaison with tribal governments;
- to encourage state-tribal and local government-tribal cooperation; and
- to conduct interim studies as assigned.

Committee Membership

The Committee is composed of eight members: four senators and four representatives appointed on a bipartisan basis. The Committee is appointed by the

end of each legislative session and serves until the next Committee is appointed. The 2003-2004 members were:

Senator John Bohlinger
Senator Ed Butcher
Senator Ken Hansen
Senator Carolyn Squires

Representative Carol Juneau
Representative Bruce Malcom
Representative Rick Ripley
Representative Jonathan Windy Boy

Committee Administration

At the first meeting, on August 27, 2003, Senator John Bohlinger was elected Presiding Officer and Representative Carol Juneau was elected Vice Presiding Officer. The Committee was staffed by Connie Erickson, research analyst; Eddy McClure, attorney; and Dawn Field, secretary.

Committee Activities

The Committee met seven times between July 2003 and September 2004. Four of the meetings were devoted to the Committee's responsibility to encourage state-tribal cooperation. In furtherance of its responsibility to act as a liaison with Indian tribes, the Committee traveled to two Indian reservations during the interim: the Fort Belknap Reservation in September of 2003 and the Northern Cheyenne Reservation in June of 2004. The seventh meeting was devoted to formulating Committee recommendations.

The Committee was directed by the Legislative Council to conduct the study requested in House Joint Resolution No. 8 (HJR 8). The Committee held three public hearings in conjunction with the study at Fort Belknap in September of 2003, in Missoula in April of 2004, and in Lame Deer in June of 2004. For a more detailed discussion about HJR 8, please read Chapter Four of this report.

Committee Recommendations

On September 8, 2004, the Committee held its final meeting of the 2003-2004 interim and formulated its final recommendations. The Committee voted to sponsor legislation that:

- ▶ increases the per-student funding for nonbeneficiary students attending tribal colleges from \$1,500 per student to \$3,024 per student. The funding may be used only for courses that are transferrable into a unit of the Montana University System or a Montana community college.
- ▶ establishes a dropout prevention program within the Office of Public Instruction (OPI). The program will provide information, resources, and technical assistance to school districts that request OPI's help in developing local programs to keep students in school until they receive a high school diploma or its equivalent. The program is to be integrated with the Indian Education for All Initiative.
- ▶ extends the life of the State-Tribal Economic Development Commission to June 30, 2007. The commission is scheduled to sunset on June 30, 2005. The bill draft also appropriates \$200,000 for the operation of the Commission.

In addition to sponsoring legislation, the Committee asked that letters be written to:

- ▶ the Department of Labor encouraging the Department to continue publishing and distributing tribal labor market information from the tribes and from the Bureau of Indian Affairs, especially tribal unemployment statistics; and
- ▶ the Rules Committees in the Senate and in the House of Representatives requesting a provision in the Rules that will allow tribal chairmen to sit on the floor of the House and Senate when attending a legislative session. Under current policies, tribal chairmen must sit in the galleries with other visitors. The Committee felt this was a good way to acknowledge the government-to-government relationship that exists between the state of Montana and the tribal nations.

Copies of the committee-sponsored legislation can be found in Appendix A of this report.

Chapter Two

Liaison With Tribal Governments

One of the most important responsibilities of the Committee is to act as a liaison between the state and the eight tribal governments of Montana. This responsibility has been part and parcel of the work of the Committee since its inception in the 1970s. In order to fulfill this responsibility, the Committee visits two Indian reservations each interim. This past interim, the Committee was privileged to visit the Fort Belknap Reservation and the Northern Cheyenne Reservation.

One of the most important responsibilities of the Committee is to act as a liaison between the state and the eight tribal governments of Montana.

Fort Belknap Indian Reservation



Background

The Fort Belknap Indian Reservation is located in north-central Montana, between the Milk River and the Little Rocky Mountains, in Phillips and Blaine Counties. (See Figure 1.) Created in 1888 out of the Blackfeet Hunting Territory, the Reservation is home to the Gros Ventre and Assiniboiné Tribes. The Reservation is rectangular in shape and is approximately 28 miles wide and 35 miles long, encompassing over 675,000 acres. Over 90% of the Reservation land is held in trust for the tribes or for individual Indians. The northern portion of the Reservation is in the Milk River Basin, which supports an estimated 16,000 acres of irrigable land. The southern portion is flanked by the Little Rocky Mountains. In between is prairie land used mostly for cattle grazing and dry land farming.

Tribal Lands in Montana

Source: BIA
 Tribal land ownership data are from the 1980 Bureau of Land Management and are subject to ownership status. Some reservation boundaries were updated from 1,380,000 acres in 1980 to 1,400,000 acres in 1985. The boundary of the Rocky Boy's Indian Reservation has been revised from 1,400,000 to 1,214,000 acres in 1985.

Tribal Lands in Montana
 Reservation Outline
 Tribal Lands

Scale: 0 100 Miles
 0 100 Kilometers

Legend:
 Reservation Outline
 Tribal Lands

Source: BIA
 Montana Census & Economic Information Center
 Information on the percentage of Census in CA
 1980 Census Bureau, Bureau of Economic Analysis
 1980 Census Bureau, Bureau of Economic Analysis

Scale: 0 100 Miles
 0 100 Kilometers

Source: BIA
 Montana Census & Economic Information Center
 Information on the percentage of Census in CA
 1980 Census Bureau, Bureau of Economic Analysis
 1980 Census Bureau, Bureau of Economic Analysis

6

of the Reservation. Darrell Martin is the current president, and Julia Doney is the current vice president. Members of the Community Council are Doreen Bell, Craig Chandler, Raymond Chandler, Selena Ditmar, Velva Doore, Tracy King, Ken Lewis, and Harold Main. (At the time of the Committee's visit, the president was Benjamin Speakthunder.) The secretary-treasurer is Julie King-Kulbeck.

The main industry on the Reservation is agriculture, consisting of small cattle ranches, raising alfalfa hay for feed, and dry land farms. The Tribes operate a convenience store and gas station on U. S. Highway 2 and recently opened a meat-packing plant in Malta. The Tribes are also pursuing the development of an ethanol plant. The major employers on the Reservation are the Bureau of Indian Affairs and the Fort Belknap Tribes. The Fort Belknap Reservation suffers one of the highest unemployment rates among Montana's seven reservations. Unemployment fluctuates between 40% and 75%, depending on the season of the year.

Gros Ventre and Assiniboiné students attend public schools in Harlem, Hays-Lodge Pole, and Dodson. There is also a Catholic elementary school in Hays. The Tribal Education Department administers two federal programs, Upward Bound and Talent Search, with the purpose of helping youth from disadvantaged backgrounds complete their high school education and go on to college. The Department also provides financial assistance to Gros Ventre and Assiniboiné students pursuing an associate or a bachelor's degree or a vocational-technical certificate. A Head Start Program has been in operation on the Reservation since 1965 with centers at Fort Belknap, Hays, and Lodge Pole.

Fort Belknap College first opened in 1980 as a Resident Center of the College (now University) of Great Falls. From 1982 to 1984, it was a satellite campus of Chief Dull Knife College on the Northern Cheyenne Reservation; in 1984 it became a branch of Salish Kootenai College in Pablo. Under the tutelage of Salish Kootenai College, Fort Belknap College became a fully accredited institution in 1987. The college is a 2-year institution offering associate degrees in business, education, human services, liberal arts, microcomputer operations, Native American studies, natural resources, and

allied health. A certificate in computer applications is also offered. Over 200 students are currently enrolled, many of whom will eventually transfer to 4-year institutions.



*Fort Belknap College Multi-Purpose Building
Photo Courtesy of Fort Belknap Tribe - Harold Heppner Photo*

The college is also helping to retain the cultural identity of both the Gros Ventre and Assiniboiné by teaching the traditional languages. A cultural center is being built that will house tribal archives as well as a museum. In 1996, the College was granted a license to operate a radio station, and KGVA "The Voice of the Nakoda and the White Clay Nations" was born. The station serves the educational, informational, and cultural needs of Indians and non-Indians both on the Reservation and in the neighboring communities. In addition to local programming, KGVA also brings National Public Radio to north-central Montana.

Health care is primarily provided by the Indian Health Service, which operates a hospital at Fort Belknap and a clinic at Hays. Built in 1998, the hospital is a critical access hospital with six beds, two emergency room bays, and two observation beds. Other services offered at the hospital include mammography, physical therapy, dentistry, dental hygiene, and x-ray. The hospital usually has between five and six permanent health care providers, including medical doctors, physician assistants, dentists, dental hygienists, and physical therapists. These providers rotate through the hospital from other IHS facilities. Veterans are transported to the Veterans' Administration Hospital in Helena, and dialysis patients are treated in Havre. The hospital also offers a smoking cessation program and a diabetes treatment program

that includes extensive screening and community awareness activities. The Tribal Health Department offers such services as chemical dependency treatment, family planning, and health education and provides community health representatives who go into the community to help the elderly and the disabled with their health needs.

One of the major issues facing the Fort Belknap Reservation for the last two decades is the reclamation of the Zortman and Landusky mines in the Little Rocky Mountains. The location of these mines was originally part of the Reservation, but when gold was discovered in 1895, the Tribes were forced to cede that portion of the Reservation to the federal government.¹ Among the largest open-pit cyanide heap-leach gold mining sites in the world, these mines leached cyanide into the



Landusky Water Treatment Plant, 2004. U.S. Bureau of Land Management Photo.

¹Charles J. Kappler, ed., *Acts of Fifty-fourth Congress-First Session, 1896*, "Vol. I, Laws, "Agreement with Fort Belknap Indians" 29 Stat., 350 (Washington, D.C.: Government Printing Office, 1904).

water supplies of the surrounding communities for 20 years. Although the mines are no longer in operation, tribal water resources continue to be threatened by acid mine drainage that occurs when sulfide rocks uncovered by the mining process produce sulfuric acid after exposure to rain and snow. The mine sites contain vast quantities of sulfide rock. Reclamation of the mine sites is being performed by the Montana Department of Environmental Quality. The Fort Belknap Indian community believes that the reclamation efforts are insufficient and underfunded and that the water discharge from the mine sites will require treatment far into the future if not in perpetuity. During the 2003 legislative session, Representative Jonathan Windy Boy introduced House Bill No. 367 that would have authorized the sale of hard-rock mining reclamation bonds to finance long-term water treatment at the mine sites. The bill failed passage, but a study resolution was adopted (House Joint Resolution No. 43) that requested a study of the surface water and ground water impacts of the abandoned mine sites in the Milk and Missouri River watersheds and the effectiveness of the state reclamation efforts at protecting the watersheds.²

Meeting with Community Council

On September 29 and 30, 2003, the Committee and its staff visited the Fort Belknap Indian Reservation at the invitation of the Fort Belknap Community Council. The visit began on Monday morning, September 29, with a joint meeting of the Committee and the Council in the Council Chambers. Senator Bohlinger expressed the Committee's appreciation for the opportunity to visit the Fort Belknap Reservation. He then presented President Speakthunder with a Montana State Flag and a CD-ROM containing the Montana Code Annotated. President Speakthunder asked Representative Juneau to offer an opening prayer. He then welcomed the Committee to Fort Belknap and thanked it for the gifts.

²A staff paper on House Joint Resolution No. 43 was presented to the Environmental Quality Council in October 2004. A copy of the report entitled *Zortman and Landusky Mines: Water Quality Impacts* is available at www.leg.state.mt.us/css/lepo/2003_2004 or by contacting the Legislative Environmental Policy Office.

There is a tremendous need for economic development on the Reservation to combat the poverty that many tribal members experience.



President Speakthunder spoke about a number of issues that the Community Council wanted to discuss with the Committee. There is a tremendous need for economic development on the Reservation to combat the poverty that many tribal members experience. The Reservation unemployment rate is typically between 65% and 70%. President Speakthunder would like to see BIA unemployment statistics reflected in Montana Department of Labor reports. President Speakthunder stressed the importance of a quality education and expressed concern over the high dropout rate of Indian students. The Community Council supports the

Committee's efforts in studying the dropout issue under HJR 8. He also stressed the importance of Fort Belknap College in improving the lives of tribal members. Students who attend the College learn vocational skills or go on to 4-year institutions. He reminded the Committee that the College also serves many non-Indian students from the surrounding communities. He expressed concern with the slow and frustrating process of negotiating a gaming compact with the State of Montana. Gaming is not the only answer, but it will provide some needed economic activity on the Reservation. Detention facilities along the Hi-Line are inadequate and unsafe, and there is a need for a regional detention facility in the area, preferably at Fort Belknap. There is also a need for increased funding for road construction and maintenance. Good roads are vital to agriculture and tourism. President Speakthunder closed his presentation by thanking the Committee for its willingness to listen and learn about the many problems facing the Fort Belknap Reservation.

Dean Stiffarm, Environmental Protection Program, presented the Committee with a packet of information on the Zortman and Landusky mines. The information covered the history of mining in the area, the loss of the land through the Grinnell Treaty, the cyanide heap-leach extraction method, water quality issues, ongoing litigation, and funding for continued water treatment. Mr. Stiffarm stated that the severe acidity of the water will require water treatment in perpetuity. However, there is currently only

enough funding for water treatment until the year 2028. The Fort Belknap Tribes are extremely concerned about this. The Tribes estimate that it will take \$46.7 million to continue protecting tribal resources, especially water. Mr. Stiffarm was especially pleased that the Committee would be touring the mine sites during its visit to Fort Belknap as the tour would illustrate the many concerns that the Tribes have about the reclamation efforts.

Carla King, Human Services Program, provided information to the Committee on the Fort Belknap Employment and Training Program, a federally funded program that provides tribal members with job training opportunities. Unfortunately, the lack of jobs on the Reservation makes job placement problematic upon completion of the program. Ms. King also administers the Temporary Aid to Needy Families (TANF) Program. Fort Belknap contracts directly with the federal government for the operation of TANF on the Reservation. The caseload in September 2003 was 165; the average caseload is 185. The program has served as many 210 cases. The caseload is made up of single-parent families, two-parent families, and dependent children without parents and residing with relatives. State budget cuts in TANF have resulted in increased caseloads on the Reservation. Job opportunities on the Reservation are few, and Ms. King said TANF participants are encouraged to relocate to locations where jobs are available and are given support and assistance. Unfortunately, there is still a lot of prejudice and discrimination off the Reservation that makes it difficult for families to adjust. Also, it is difficult for tribal members to live away from their families because of the strong familial bonds in the Indian culture.

Ramona Horn, Tribal Education Specialist, spoke to the Committee about three programs: Higher Education/Adult Vocational Training Programs, Talent Search, and Upward Bound. Through these programs, students are provided with assistance in choosing and preparing for a career, preparing for college, filling out applications, seeking financial resources, etc.

Clarena Brockie, Dean of Student Affairs, distributed information on Fort Belknap College. She said that the College is growing both in the number of students and

facilities. There were 200 students enrolled in September 2003, up from 185 in 2002. About 30 students graduate each year and many would like to go on to a 4-year institution but lack the financial resources to do so. Ms. Brockie had three issues she wanted to discuss with the Committee. The first was funding for GED instruction. The College offers this instruction to any student, tribal member or not, preparing to take the GED examination. The College currently supports the program with money from its general fund, which takes away from the College's academic programs. Ms. Brockie would like to see some state funding for this instructional program. The second issue was state funding for nonbeneficiary students. Fort Belknap College has an "open door" admissions policy and accepts non-Indian students but does not receive any federal funding for these students. This has placed a growing financial burden on the College. The College does not want to turn away these students because many of them cannot afford to go elsewhere. They pay tuition, but tuition does not cover all of the costs. State funding for nonbeneficiary students is critical to the stability and future of all tribal colleges. The third issue pertained to the Board of Regents. The College would like to see a tribal college representative on the Board. Ms. Brockie said this would improve cooperation and communication between the two systems.

Julia Doney, Head Start Director, provided Committee members with a packet of information on the Head Start Program on the Reservation. There are eight Head Start classes on the Fort Belknap Reservation: five at Fort Belknap, two at Hays, and one at Lodge Pole. There is also a home-based program. Head Start serves about 160 preschool children and employs about 50 people. St. Vincent's Healthcare in Billings provides funding for nine foster grandparents for the program. A new facility is being built for the program at Fort Belknap and should be ready by November 2003.

The Committee agreed to review and investigate each of the issues presented by the Fort Belknap Tribes and to make a written report to the Tribes on the Committee's findings. The Committee's response may be found in Appendix B of this report.

Public Comment

Following the meeting with the Community Council, members of the public were invited to address the Committee.

Dolores Plumage, Blaine County Commissioner, welcomed the Committee to Blaine County and invited the members to visit the Courthouse and the other Commissioners in Chinook. She is the first Indian Commissioner in Blaine County. The County recently was ordered by the U.S. Department of Justice to elect Commissioners from districts within the county because the previous method of electing Commissioners countywide was determined to be discriminatory in that it made it very difficult for an Indian to be elected to the Commission. Ms. Plumage said that she has experienced some prejudice from other county officials at meetings she has attended. To combat this, the Montana Association of Counties will offer a cultural sensitivity session at its upcoming winter meeting. Ms. Plumage then went on to discuss a number of issues, including:

- ▶ securing homeland security funds for the Reservation;
- ▶ appointing more Indians to county boards and commissions;
- ▶ working with Fort Belknap College on West Nile Virus research;
- ▶ working with the Community Council to provide enhanced 9-1-1 services on the Reservation;
- ▶ supporting the proposed U.S. Highway 2 improvements; and
- ▶ finding ways to solve the water and sanitation problems on the Reservation.

Reuben Horseman, private citizen, said that while small, non-Indian communities are losing their young people, Indian communities are not. There are untapped personnel resources on reservations. Mr. Horseman runs a private bus company that contracts its services. During fire season, he has contracts with the Forest Service. He

*Reuben
Horseman,
private citizen,
said that while
small, non-Indian
communities are
losing their
young people,
Indian
communities are
not.*



would like the Committee to urge the federal government to hire Montanans first to fight forest fires on federal land in Montana before bringing in out-of-state firefighters.

John Allen, Community Council member, voiced concerns about the poor 9-1-1 and telephone service on the Reservation, the lack of progress on the gaming compact negotiations with the state, and the unsafe driving conditions on Montana Highway 66 that runs north and south through the Reservation. Mr. Allen expressed his concern about state government using Indian population figures to secure federal funding for programs, while Indians are unable to use the services provided through those programs. He also spoke of the positive economic impact that the Reservation has on surrounding non-Indian communities.

Raymond Chandler, Community Council member, stated that he would like to see more Indians appointed to state boards and commissions. He specifically mentioned the Fish, Wildlife, and Parks Commission and the Human Resource Development Councils.

Tour of the Reservation

Following lunch, the Committee toured the Head Start Program at Fort Belknap, then visited the Harlem Public Schools. Nancy Stiffarm, Title VII Director, led the tour of Harlem Junior and Senior High School. She provided the Committee with information about the school's Advisement Program. This is a program designed to bridge the gap between the community and the school and to increase communication between students, parents, and teachers. Through this program, the Harlem Public Schools hope to improve relations with Indian parents so that they feel a part of the school community and to reduce the dropout rate among Indian students.

Following the tour of the Harlem Public Schools, the Committee visited the new Indian Health Service (IHS) Hospital at Fort Belknap. Darryl Brockie, Director of the IHS Service Unit at Fort Belknap led the tour. The major health issues on the Reservation are cardiac problems, diabetes, accidents and injuries among the elderly, and orthopedic injuries. The hospital is attempting to contract for the services

of a cardiologist and an orthopedic surgeon to visit the Reservation on a regular basis. One of the major problems that the hospital has is the lack of a backup water supply system. The water supply system on the Reservation is old and unreliable and shuts down fairly frequently. Whenever that happens, patients have to be transported to Havre. The old hospital had a backup system, but the IHS did not authorize one when the new hospital was built. Ms. Brockie said that the hospital would like to offer on-reservation dialysis services, but the IHS is reluctant to fund such services, and the water problems on the Fort Belknap Reservation preclude the operation of a dialysis center.

On Tuesday, September 30, the Committee traveled to the southern end of the Fort Belknap Reservation. The Committee visited the St. Paul's Mission Grade School, the Eagle Child Health Center, the Hays-Lodge Pole Public Schools, and the Lodge Pole Senior Center. The visit to the Fort Belknap Reservation ended with a tour of the Landusky Mine site led by Wayne Jepson of the Montana Department of Environmental Quality.

Northern Cheyenne Indian Reservation

Background

The Northern Cheyenne Indian Reservation is located in southeastern Montana, between the Crow Reservation and the Tongue River, within Rosebud and Big Horn Counties. (See Figure 1.) The Reservation contains 445,000 acres, making it one of the smallest reservations in Montana. The terrain varies from low, grass-covered hills to high, steep outcroppings and narrow valleys covered with ponderosa pine. In recent years, the Northern Cheyenne Tribe has successfully pursued a program to consolidate allotted holdings, purchase non-Indian holdings, and transfer non-Indian-held leases to tribal members. As a result, the Tribe controls approximately 97% of the land on the Reservation.

The Northern Cheyenne Reservation was established by a presidential executive order in November 1884. The original boundaries encompassed about 271,000

acres. In 1900, President William McKinley moved the eastern boundary of the Reservation to the Tongue River, expanding the Reservation to its current size.

The Northern Cheyenne Indians call themselves the "Morning Star People" in honor of Chief Dull Knife, who was also known as Morning Star. There are approximately 7,400 enrolled tribal members of which 4,200 live on the Reservation. The Tribe was organized in 1936 under the Indian Reorganization Act. The governing body is a tribal council headed by a president and a vice president who are elected at-large for a 4-year term. The Tribal Council is composed of 10 members elected from the five districts on the Reservation, in accordance with the percentage of the tribal membership in each district, for 4-year staggered terms. A sergeant-at-arms is elected by the Tribal Council from within its own ranks. A secretary and a treasurer are appointed by the Tribal Council from outside its membership. At the time of the Committee's visit, the president was Geri Small and the vice president was Johnny Joe Woodenlegs. Tribal Council members were Robert Bailey, Joe Fox, Jr., Francis Harris, Eugene Littlecoyote, Hilda Moss, Florence Running Wolf, George Standing Elk, Joe Walksalong, Sr., William Walksalong, and Rick Wolfname. Tribal treasurer was Floyd Bearing, Jr., and tribal secretary was Serena Brady.

The Northern Cheyenne Reservation is rich in natural resources, especially coal and timber. The Reservation is home to one of the largest coal reserves in Indian Country. In 1976, a U.S. Supreme Court decision gave control of all the minerals underlying the Reservation to the Northern Cheyenne Tribe. The presence of coal bed methane both on and adjacent to the Reservation has caused considerable controversy in recent times. The Tribe has yet to develop its coal reserves and will probably not do so until it can ensure that tribal rights are protected and other social and environmental concerns are addressed. Timber, mainly ponderosa pine, covers about 147,000 acres on the reservation, most of which has commercial value. At this time, however, there are no logging operations on the Reservation. The Northern Cheyenne look at the long-term perspective with regard to economic development,

and resource development is subject to a boom-and-bust cycle. The Tribe wants long-term, sustainable development.

The major employers on the Reservation are the federal government, tribal government, St. Labre Indian School, Western Energy Company, PP&L Montana, and public schools. During the fire season, the BIA Forestry Division employs many tribal members. Unemployment varies from 60% to 75%.

The major employers on the Reservation are the federal government, tribal government, St. Labre Indian School, Western Energy Company, PP&L Montana, and public schools.



As with all Indian tribes in Montana, education is very important to the Northern Cheyenne Tribe. The Reservation is served by both private and public schools. St. Labre Indian School is a private, Catholic institution located in Ashland. The Northern Cheyenne Tribal School at Busby is operated by the Tribe under a contract with the BIA. There are four public school districts that serve Northern Cheyenne children: Lame Deer, Ashland, Colstrip, and Hardin. Until 1994, there was no public high school on the Northern Cheyenne Reservation. High school students were bussed off the Reservation to schools in neighboring communities. After much persistence and determination on the part of the Northern Cheyenne people and much opposition from the affected public school districts, Lame Deer High School opened in the fall of 1994.

Chief Dull Knife College is a 2-year community college that opened in 1975. Its original purpose was to train students for jobs in the developing mining enterprises in communities near the Reservation. Eventually, tribal leaders recognized the need to provide additional vocational programs as well as an academic program. The college consequently grew from a limited vocational training program to a broader vocational and postsecondary educational institution. Chief Dull Knife now offers an associate



Chief Dull Knife College - Travel Montana Photo

of arts degree in general studies and associate of applied science degrees in alcohol and drug studies, in office management, and in business. In addition, vocational certificates are offered in office skills and entrepreneurship. Chief Dull Knife is an open-admission, community-based institution that offers quality

educational opportunities to the Reservation as well as to surrounding communities.

In May of 1996, a fire completely destroyed the Indian Health Service (IHS) clinic in Lame Deer. This proved a devastating blow to the Northern Cheyenne people who relied on the clinic for their basic health care needs. The IHS decided to rebuild a larger clinic with more extensive facilities than the old one. The new clinic opened in 1999 and is strictly an outpatient facility. Tribal members who require inpatient treatment are sent to the IHS hospital at Crow Agency. The Northern Cheyenne clinic offers medical, dental, optometry, mental health, and emergency room services. There is also a laboratory, a pharmacy, and a radiology department. The clinic boasts having the only American Indian female dentist in the United States, who just happens to be Northern Cheyenne. There is also a dentist who specializes in the care of children. The emergency room is open 24 hours a day, 7 days a week. The Montana Department of Transportation has agreed to post signs on the highways leading into Lame Deer announcing the availability of the emergency room services.

A lack of housing on the Reservation has been a major problem for the Northern Cheyenne Tribe. In recent years, the Tribe has received numerous block grants from the U.S. Department of Housing and Urban Development that have enabled the tribal housing authority to build over 800 homes on the Reservation. The Tribe also operates a 35-unit senior citizens' apartment complex that serves the elderly and the disabled.

Tour of the Reservation

On June 3 and 4, 2004, the Committee traveled to Lame Deer to visit the Northern Cheyenne Reservation. The visit began on Thursday morning, June 3, at the Littlewolf Capitol Building in Lame Deer. Linwood Tallbull, Director of the Northern Cheyenne Elderly Program, welcomed the Committee to the Northern Cheyenne Indian Reservation. The Teton Drum Group sang a flag song and an honor song for the Committee. Mr. Tallbull introduced Geri Small, President of the Northern Cheyenne Tribe, who then welcomed the Committee and introduced members of her staff. President Small stated how important it was for people from state government to visit reservations and how pleased she was that the Committee chose to visit Northern Cheyenne. Senator Bohlinger responded with some remarks about the role of the Committee and the purpose of the visit. He introduced the members of the Committee and the Committee's staff and then presented President Small with a Montana flag and a CD-ROM containing the Montana Code Annotated.

Following the meeting with President Small, the Committee began its tour of the Reservation guided by Carrie Braine, Tribal Employment Rights Office (TERO) Director. The Committee visited the Boys and Girls Club; the Food Distribution Program; the Youth Services Center, a BIA-operated detention facility for Northern Cheyenne youth ages 12 to 18; the Charging Horse Casino; Chief Dull Knife College; the Lame Deer Public Schools; and the Indian Health Service Clinic. The Committee ended its visit by attending a groundbreaking ceremony for a new recreation area outside of Lame Deer.

Meeting with Tribal Officials

Every visit to a reservation includes an opportunity for tribal officials to visit with the Committee about issues of concern and with requests for assistance.

Isadore White Water, Workforce Investment Act Program, said that the program provides training and employment for tribal members. The program also runs a child care program and is involved in monitoring FAIM clients. His biggest concern was

funding. Will there be any additional state funding or will there be cuts to programs? The Committee replied that state funding is unknown at this time because budgets are just being developed. The Legislature will face large deficits as well as school funding issues next session.

Glen Little Bird provided information about the Food Distribution Program. Funding comes from the USDA through the state with the Tribe providing a one-third match. There are six full-time and two part-time positions. The program serves about 600-800 eligible tribal members every month. The program also delivers food to the elderly and disabled who are unable to pick up the food themselves. In addition to canned and packaged foodstuffs, the program also provides fresh fruit and vegetables and meat. Some of the program's needs are a larger warehouse, an additional large freezer, training and travel funds for employees, computers and printers, and two more full-time employees. Little Bird also questioned the need for elderly and disabled recipients to be recertified each year. He thought this was a state requirement in the Food and Nutrition Services Manual 501. Staff agreed to look into the recertification issue (See Appendix C).

Linwood Tallbull said that the Elderly Program serves about 265 tribal elders. Because of the baby boom, the projection is that there will be 500 elders in the next few years. The program has become very creative because of a lack of funding. They need a tribal member to be trained and certified as a meat inspector so buffalo and venison can be USDA-approved for use in schools and the Head Start Program on the Reservation. Staff suggested that Mr. Tallbull contact the Little Rockies Meat Packing Company in Malta that is owned and operated by the Fort Belknap Tribes. The Elderly Program runs a senior housing complex with 35 apartments; it is an independent living center. The center serves 118 meals a day to residents and nonresidents alike. There is also a program that assists caregivers throughout the Reservation with respite care, house cleaning, and transportation, among other services.

Kirk Denny is the Reservation's extension agent and an enrolled tribal member. Cattle production on the Reservation accounts for about \$5 million annually in sales and fees. Of that amount, \$750,000 comes to the Tribe in leasing and grazing fees. The program is federally funded. Denny would like to see if the state could partner with reservation extension programs to provide some funding for travel to meetings and conferences outside of the reservations. Denny also spoke of a disease (trich disease) that causes early term abortions in cattle. The infection resides in bulls and is endemic in Montana. Because it is a nonreportable disease, money needs to be made available to increase awareness about the disease and testing of bulls. The Reservation has a successful program, but the issue needs to be discussed all over the state.

Maxine Sharette, Women, Infants, and Children's Program, said the program was piloted on the Reservation in 1975 and currently serves 550 tribal members. The state provides \$76,000 annually to the program. There is a problem with making the tribes pay the indirect costs. This results in less funding for the program. She would like to see the state pay the indirect costs. The Tribe needs a registered dietician to address the obesity and diabetes problems among tribal members. The Tribe would also like to see a single application form that could be used for all of the various health and social services programs.

Carrie Braine, TERO, said the Tribe has received a 3-year grant to develop a transit system within the Reservation and out to the surrounding communities. The BIA and the state are working on a memorandum of understanding (MOU) to place the tribal share of the Community Transportation Enhancement Program funds with the BIA for use by the tribes. MOUs are also needed in other areas. In road construction, MOUs are needed to address tribal employment rights on projects on or near a reservation. Currently, the MDT is ignoring the "near" provision.

Norma Bixby,³ Tribal Education Director, said that Montana needs to put money into Indian education. The Office of Public Instruction is asking for \$500,000 this coming biennium for implementation of Indian Education for All. In addition, she would like to see state funding for tribal colleges to allow those colleges to assist school districts in implementing Indian Education for All. The Commission on Civil Rights' report on Indian education in Montana contains several relevant recommendations, especially for addressing the dropout problem among Indian students.

Richard Little Bear, President of Chief Dull Knife College, talked about the importance of state funding for nonbeneficiary students. Chief Dull Knife has an open-admission policy and serves an average of 27 nonbeneficiary students every year. The College receives no federal funding for these students; they must pay their own way.

Gary Hopkins, Director of Federal Programs for Lama Deer Public Schools, spoke to the Committee of the difficulty imposed by the passage of Senate Bill No. 424 (2003) that requires school districts to pay the retirement benefits for federally paid employees out of the federal source instead of the district retirement fund. For poor school districts that greatly depend on federal money to operate, this is a real hardship because it takes money away from the classroom. He also asked the Committee to support full funding for the Indian Education for All Initiative.

Meeting with Tribal Natural Resource and Environmental Officials

The presence of coal bed methane (CBM) both on and off the Northern Cheyenne Reservation has become a source of controversy for both the Tribe and the developers. Tribal environmental officials requested a meeting with the Committee to discuss the Tribe's concerns with the proposed development of this natural resource

³Ms. Bixby represented House District 5 in the 57th and 58th Montana Legislatures.

and its impacts on the water and air quality on the reservation. In attendance were Dave Milligan, Dion Killsback, Joe Walksalong, Jr., and Jay Littlewolf of the Tribal Environmental Office, Jason Whiteman of the Tribal Natural Resources Office, and Joe Fox, Jr. and Francis Harris, tribal council members.

One of the biggest concerns is water. Millions of tons of water are required for CBM development, and this water then becomes high in sodium. The clay soil on the Reservation cannot absorb high-sodium water. Sodium also adversely impacts vegetation, especially culturally sensitive vegetation along waterways. Reservation communities are dependent on ground water, and CBM development will deplete ground water supplies. Under the federal Clean Water Act, an Indian tribe can receive TAS (treatment as a state) status. This allows the tribe to regulate all of the water within its borders. The Confederated Salish and Kootenai Tribes have received TAS status, and both Northern Cheyenne and Fort Peck have applied for TAS status. The Northern Cheyenne Tribe has proposed water standards similar to the state's except for some slight numerical differences. However, the state is not recognizing the tribal standards. The state originally supported TAS for the Tribe, but now the state is challenging the TAS application. Additionally, the Tribe is currently discussing with the state whether CBM water is excess water under the reserved water rights agreement. The Tribe says it is excess water so they have a right to the water. The state says it is not excess water, so it is included in the original appropriation.

The presence of coal bed methane both on and off the Northern Cheyenne Reservation has become a source of controversy for both the Tribe and the developers.



The Tribe is concerned about the impacts on the Reservation once CBM development (construction, pipelines, etc.) begins. An influx of workers and their families could impact areas such as infrastructure, law enforcement, and education. The Tribe wants to mitigate the impacts of off-reservation development and would

like improved or increased access to state money for the infrastructure needed because of this development.

On a related topic, the Northern Cheyenne Reservation is a Class I airshed. The Tribe is concerned that dust from the off-reservation compressor plants, as well as sulfur dioxide and suspended particulates generated by other off-reservation development, will violate the Class I designation, as well as impede the Tribe's ability to develop its own natural resources.

The Committee asked what message it could take to the Legislature on behalf of the Tribe. The tribal officials replied that legislators and state agencies need to be educated on how the state and the tribes can form partnerships or negotiate agreements to address some of the challenges rather than resort to confrontation and litigation. The Tribe would also like the state to honor the constitutional provisions regarding our natural environment and to give credence to the Montana Environmental Protection Act (MEPA). MEPA needs more "teeth"; that would alleviate many tribal concerns.

Chapter Three

Encourage State-Tribal Cooperation

The second major responsibility of the Committee is to encourage cooperation between the state and the eight tribal governments in Montana. This interim, the Committee fulfilled this responsibility by visiting with some state agencies and learning about individual programs in an attempt to address issues of mutual concern to both state and tribal governments and to identify problems and seek solutions when possible.

The second major responsibility of the Committee is to encourage cooperation between the state and the eight tribal governments in Montana.

Jobs for Montana Graduates



Nancy Elliott and Lorelee Robinson of the Jobs for Montana Graduates (JMG) Program provided the Committee with information on the program. JMG is a school-to-work program that assists Montana high school students in staying in school, graduating, and successfully moving from school to work. The program is in 41 public schools, the Yellowstone Youth Academy, and the Youth Challenge Program. JMG is offered in 11 high schools that are on or near Indian reservations. JMG is open to any student, regardless of family income, who is undecided on a career, who is likely to be unemployed after graduation, or who faces significant barriers to completing high school. JMG is supported by the state general fund and private grants. The cost per student is about \$800.

In 2002-2003, JMG Indian participants had a 94% graduation rate, a 79% positive outcome rate, and a 97% nonsenior return-to-school rate. A positive outcome rate is

defined as "a graduate who finds employment, enlists in the military, or enrolls in a postsecondary institution".

JMG works with students in grades 9 through 12 and with dropouts who are 16 to 18 years old. Because research shows that students at risk of dropping out require intervention before high school, JMG applied for a grant from the Board of Crime Control to establish a middle school program. The request was unsuccessful, but the Harlem School District established a middle school program using the JMG model as a guide. The Harlem school administration was extremely pleased with the results. Students learned how to make the connection between the classes they take in school and their career goals. The program also expanded their career interests and positively impacted their attitudes and behaviors in school. JMG is still interested in developing a middle school program and will continue to seek other resources.

Department of Fish, Wildlife, and Parks

Larry Peterman, Chief of Operations for the Department of Fish, Wildlife, and Parks, spoke to the Committee about state and federal funding that is available to tribes for tribal fish and wildlife programs. The Pittman-Roberston and Dingell-Johnson programs are federal programs that provide funding for fish and wildlife restoration and management activities in Montana. Both programs have strict requirements for the administration and allocation of funds. Money is available through a grant process, and there are severe consequences for the misuse of funds. One of the requirements that impedes tribal grants is that projects funded from federal resources must allow for public access.

The Department has set aside funds from the State Wildlife Grants Program to fund tribal projects. Two such projects are in place with the Blackfeet Tribe (bear-proof garbage dumpsters) and the Fort Belknap Tribes (fish and wildlife management plan). The Department is negotiating with the Crow Tribe to survey sage grouse and prairie dog populations on the Crow Reservation. Each of these projects requires a

local match; in-kind services may be used for the local match. Tribes also have access to direct federal funding for fish and wildlife projects, such as the Tribal Landowner Grant Program.

Board of Pardons and Parole

Craig Thomas, Executive Director of the Montana Board of Pardons and Parole (MBPP), presented a report to the Committee on the requirements imposed on the MBPP by House Bill No. 211 (Chapter No. 559, Laws of 2003). This legislation required the MBPP to report to the Law and Justice Interim Committee on the disposition of parole applications made by American Indians, including the reasons for approval or denial of parole, for the period of January 1, 1999, through March 31, 2004. The report was to be made before July 1, 2004. Mr. Thomas provided the Committee with copies of the various forms that the MBPP uses to track inmates who appear before the Board, as well as examples of the types of reports issued by the MBPP. Two of the problems that the MBPP has encountered in compiling the required data are a lack of a definition of American Indian and no information on the reasons for approval or denial of parole for the period from January 1999 through June 2003. All of the MBPP's information is based on self-reporting by the inmates. If an American Indian inmate does not self-identify as an American Indian, the Board has no way of determining the inmate's ethnicity. Reasons for approval or denial of parole were not entered into an automated system until June 2003. Prior to that, a record of whether the request was approved or denied was the only record kept. The new database, however, will provide very detailed information on inmates such as:

- ▶ ethnicity and gender;
- ▶ number of appearance before MBPP;
- ▶ medical parole requests, parole revocations, recisions hearings, and executive clemency; and
- ▶ exact reason for approval or denial of each parole request.

The Committee received a copy of the report required by House Bill No. 211 at its final meeting, in September of 2004 (See Appendix D).

Department of Labor and Industry

The 2003 Legislature directed the Department of Labor and Industry (DOLI), in House Bill No. 2, to provide access to Montana tribal labor market information either by including the information on DOLI's website or publishing the information in other public documents. Ingrid Childress, Administrator of the Workforce Services Division of DOLI, provided the Committee with a copy of the information that DOLI was making available on its website and then demonstrated how to access the material. The information comes from a Bureau of Indian Affairs (BIA) report entitled "2001 Local Estimate of Indian Service Population and Labor Market Information". The BIA calculates this information every 2 years, and the latest data was made available in July of 2004. At that time, DOLI updated the website.

The reason for making the BIA data available is that tribes believe that the BIA statistics better reflect the unemployment situation on reservations than do the statistics compiled by the U.S. Bureau of Labor Statistics, which is the official source for unemployment data for the federal government. Unemployment data is often used to set the level of federal resources a state will receive for programs such as job training, workforce development, and public assistance. Tribes believe that if BIA statistics were used it could result in additional resources for Montana. The question is how to integrate the BIA unemployment data with the data compiled by the Bureau of Labor Statistics. At this time, there is no way to integrate the BIA unemployment data with the data compiled by the Bureau of Labor Statistics because different methods are used to calculate the unemployment rate. Integration will require congressional action. However, integration could result in Montana receiving additional resources for job training, workforce development, public assistance, etc.

Office of Public Instruction

Indian education has always been an important issue for the State-Tribal Relations Committee. The Indian Education for All Initiative was the direct result of a study conducted by the Committee in 1995-1996. Lynn Hinch, Special and Discretionary Programs Unit Director at the Office of Public Instruction, updated the Committee on the work of the Indian Education for All Committee, which is composed of two members from the Board of Regents and two members from the Board of Public Education. Its focus is on how best to implement the initiative throughout the public school system, from kindergarten through college. Areas in which that committee is working include awareness of the initiative, institutional accountability, curriculum development, and professional development. A barrier to full implementation is a lack of funding. The Office of Public Instruction is requesting \$500,000 next biennium for implementation.

Montana University System

In 1991, the Committee successfully sponsored legislation to create the position of American Indian/Minority Achievement Director within the Office of the Commissioner of Higher Education. The position has four main functions:

- ① to analyze educational data relating to American Indians and other minorities within the University System;
- ② to provide cultural diversity training to faculty and staff at the various units;
- ③ to ensure that diversity is addressed at the units; and
- ④ to report on the status of American Indians and minorities within the system to the Board of Regents.

The position also serves as a liaison between the University System and the tribal colleges and other minority groups and organizations within the state.

Ellen Swaney, who has held the position since its creation, provided the Committee with a wealth of information relating to her work within the University System. Despite all of her efforts and the efforts of the University System, American Indian student enrollment has remained at about 3% of the total enrollment, even though American Indians account for 6% to 7% of the total Montana population and 10% of the K-12 public school population. In addition, less than 2% of all employees within the University System are American Indian. Ms. Swaney stated that these issues need to be examined in depth to discover the roadblocks that prevent American Indians from enrolling or working in the University System.

Gambling Control Division

Gene Huntington, Administrator of the Gambling Control Division of the Montana Department of Justice, presented a legislative proposal to the Committee that would clarify the procedure for negotiating and executing gaming compacts with Indian tribes. The Gaming Advisory Council developed the proposal following many meetings with Indian tribal representatives.

The main contention between the tribes and the state is the delegation of authority to negotiate compacts. The tribes believe that the Executive Branch has not negotiated in a way that recognizes the sovereignty of each tribe and the goals of the Indian Gaming Regulatory Act. The Executive Branch does not believe that the Legislature has given it authority to negotiate compacts that are unrestricted by state law. This legislative proposal would expressly authorize the Governor to negotiate and execute gaming compacts. It allows the Governor to negotiate conditions of play (hours or periods of operation, numbers of gaming devices, and limitation on wagers and prizes) that will help to provide for the economic self-sufficiency of Indian tribes. Prior to the execution of a compact, the Governor would provide written notice to legislative leadership of the proposed compact. This would allow the Legislature the opportunity to comment on the compact. If a tribe negotiates for types of gaming that are not permitted by Montana law or if a compact would result in a reduction of state

revenue or require a state appropriation, the compact would have to be submitted to the Legislature for approval.

The Committee requested that the proposal be drafted on behalf of the Department of Justice. A copy of the legislation can be found in Appendix E of this report.

Chapter Four

Conduct Interim Studies

The third major responsibility of the Committee is to conduct interim studies as assigned by the Legislature. This interim, the Committee conducted one interim study: House Joint Resolution No. 8 (HJR 8) on dropout prevention for American Indian students. The study was conducted in cooperation with the Office of Public Instruction.

House Joint Resolution No. 8

Background

In October 2000, the National Center for Education Statistics (NCES) reported that approximately 11% of young people between 16 and 24 years of age were not enrolled in high school and had not completed high school. Despite attempts over the last decade at both the federal and state level to improve the quality of public education in America, the dropout rate has remained fairly constant.

*The third
major
responsibility
of the
Committee is
to conduct
interim studies
as assigned by
the
Legislature.*

As the need for a more highly-educated labor force increases in order for America to compete in a global economy, those who drop out of high school before receiving a diploma will have fewer and fewer chances for success later in life. Employment opportunities will be more limited because today's economy requires workers who are literate, educated, have advanced technological skills, and are willing to continue learning. According to the U.S. Bureau of the Census, in July 2002, the average annual income for a high school dropout was \$18,900. At the same time, the average annual income for a high school graduate was \$25,900.



Dropouts are more likely than those with a high school education to become dependent on public assistance, have health problems, and engage in criminal activity. Dropouts are also more likely to engage in high-risk behaviors such as premature sexual activity, alcohol and drug abuse, delinquency, violence, and crime. The costs to society of a large number of dropouts include an underskilled labor force, lower productivity, lost taxes, and increased public assistance and crime.

What about Montana? What is the dropout picture in our state? The dropout rate in Montana for all students over the last 5 years is about 4% (Montana Statewide Dropout Report 2002-2003, Office of Public Instruction). According to the Bureau of Labor Statistics, in 2002, the median annual income as related to level of education in Montana was:

	<u>Female</u>	<u>Male</u>
less than high school	\$16,469	\$22,589
high school graduate	\$23,061	\$33,184

But it is the alarmingly high dropout rate for American Indian students that is of major concern to Montanans. The dropout rate for American Indian students in Montana over the last 5 years is a little over 10% (OPI Dropout Report). In addition, American Indian students drop out of high school at a rate three times greater than non-Indians. What is most distressing, however, is that American Indian students are beginning to drop out of school at a much younger age. American Indian students drop out of grades seven and eight at a rate 12 times greater than non-Indians (OPI Report). In addition, graduation data for the last 6 years shows that only 56% of American Indian students who enroll as high school freshmen graduate in 4 years, compared to 82% of their non-Indian peers (OPI Fall Reports). For more detail on the American Indian dropout situation, please refer to Appendix F.

These disturbing statistics were the genesis of House Joint Resolution No. 8 (HJR 8). In November of 2002, the Montana-Wyoming Indian Education Association and the Montana Advisory Council on Indian Education held a public hearing in Helena on American Indian high school dropouts. Over 125 people from all walks of life and

from Indian and non-Indian communities across Montana participated in the hearing. As a result of this hearing, Representative Carol Juneau introduced HJR 8 in the 2003 legislative session.

HJR 8 requested that an appropriate interim committee gather information relating to dropout rates, graduation rates, and at-risk factors for American Indian students in Montana's public schools. The resolution went on to request that a strategic state plan be developed to reduce the dropout rate among all students. As a result of the legislative poll conducted immediately following the adjournment of the 2003 session, the Legislative Council assigned HJR 8 to the State-Tribal Relations Committee.

Why Do Students Drop Out of School?

Students who drop out of school are influenced by a variety of factors related to the student, school, family, and community. Many of these factors can also serve as predictors of dropping out. These factors can be categorized as student-related, school-related, family-related, and community-related. Student-related factors are generally personal problems that are independent of the student's social or family background. These include excessive truancy, substance abuse, pregnancy, and run-ins with law enforcement. School-related factors are poor academic performance and grade retention. Schools can contribute to high school dropout rates by the kind of educational environment they create and the types of policies and practices they adopt. Family-related factors include poverty, parental and sibling educational levels, domestic violence, and ethnic or racial background. The community in which a student lives also has an impact on that student's decision to remain in or drop out of school. Poor communities often have poor schools and few resources to support at-risk students.

Why do American Indian students drop out of school? They drop out for many of the same reasons as their non-Indian peers. However, there is another set of factors that impacts only Indian students, and those factors are related to language and culture--lack of Indian culture and language in the schools, lack of Indian teachers and

administrators, lack of knowledge of Indian culture and learning styles by non-Indian teachers, and perpetuation of the stereotype of the Indian student as a low achiever.

What Can Be Done?

With the adoption of "No Child Left Behind" and its premise that every child from every background in every part of America must be given every opportunity to succeed in school, a new light is shining on those students who continue to fail and to drop out of school. If America truly wants to see that no child is left behind, special attention must be given to those students who, for any of the reasons listed above, leave our high schools every year in ever-growing numbers.

How, then, do we keep these students in school? We keep them in school by designing intervention strategies that focus on why they drop out in the first place. First of all, because dropping out is influenced by both individual and institutional factors, intervention strategies can focus on individual values, attitudes, and behaviors associated with dropping out or on the environment within families, schools, and communities. Second, effective prevention strategies must address both the academic and the social problems that students experience. Third, because dropout attitudes and behaviors begin as early as elementary school, dropout prevention strategies should begin early in a child's educational career.

It can be a fairly daunting task for a state education agency or a local school district to identify successful dropout prevention programs, given the vast array of programs that exist across the nation. How do we know what works? The National Dropout Prevention Center/Network (NDPC/N) is a membership-based organization with the

There is another set of factors that affect the drop out rates of Indian students--lack of Indian culture and language in the schools, lack of Indian teachers and administrators, lack of knowledge of Indian culture and learning styles by non-Indian teachers, and perpetuation of the stereotype of the Indian student as a low achiever.



mission of helping policymakers and practitioners meet the needs of at-risk students so that these students can remain in school, succeed academically, and graduate. The NDPC/N serves as a clearinghouse on issues related to dropout prevention. Through its research projects, publications, professional development activities, and program assessment and reviews, the NDPC/N has identified 15 strategies that can have a positive impact on the dropout rate. These 15 strategies are:

- (1) systemic renewal that focuses on school policies, practices, and organizational structures;
- (2) school-community collaboration that sustains a caring supportive atmosphere for students;
- (3) safe learning environments that make schools a positive experience for students;
- (4) family engagement that gives children the support they need outside of school;
- (5) early childhood education that provides children with a solid beginning to their school experience;
- (6) early literacy development that gives children the necessary foundation for effective learning in all other subjects;
- (7) mentoring/tutoring that addresses specific academic needs;
- (8) service-learning that connects school with the outside world;
- (9) alternative schooling that provides at-risk students with a variety of options that can lead to graduation;
- (10) after-school opportunities that enhance learning and eliminate information loss
- (11) professional development that assists teachers who work with at-risk students;
- (12) active learning that involves students in the learning process;
- (13) educational technology that delivers instruction in creative and innovative ways;
- (14) individualized instruction that allows teachers to consider individual differences in deciding teaching methods and motivational strategies; and

- (15) career and technical education that prepares students for the workplace.⁴

Any one of the above strategies will help schools keep their at-risk students from leaving before graduation. However, before a strategy is selected, school districts must analyze their own dropout data and develop programs that best fit their needs.

Committee Activities

HJR 8 requested the Committee to hold public hearings across the state to seek recommendations for addressing the dropout rate and the at-risk factors that lead students to drop out of school. The Committee held three public hearings at Fort Belknap College, at the Montana Indian Education Association Conference in Missoula, and at the Lame Deer Alternative High School.

While each public hearing had its own look, there were common threads that wove themselves throughout all three. One of the biggest concerns was a lack of cultural content in the school curriculum. Everything is taught from the Western European perspective, and the inclusion of American Indians occurs only in history. Indian parents and students want to see Indian culture included in all subjects--art, math, government, etc. Schools should reflect their community; parents, students, and tribal leaders should have a hand in designing school programs. Indians would like to see more tribal languages taught in the schools.

A second major issue centered on school personnel. There simply are not enough Indian teachers and administrators in our schools. Indian students looking for role models most often see Indians only in classified positions, such as food service or maintenance workers, bus drivers, aides, etc. While these are important jobs that a school district must have to operate, Indian students need to see that they can also be teachers and principals. An Indian employment preference law for schools with a substantial Indian enrollment would help.

⁴National Dropout Prevention Center/Network accessed at www.dropoutprevention.org.

Non-Indian teachers need more training in Indian learning styles and the Indian culture in their teacher preparation program. School districts should hold a cultural orientation for new teachers before they enter the classroom. Many Indian parents complained that non-Indian teachers have no ties to the Indian community in which they teach. They don't live in the community. They don't send their children to the Indian schools in which they teach. They do not participate in any community or tribal activities or events. Teachers should be part of the community in which they teach to better understand their students' backgrounds. Indian parents and educators are also concerned that non-Indian school personnel have low expectations for Indian students and, therefore, do not push them to excel academically. Rather, teachers often steer Indian students into vocational areas or, worse yet, do not steer them into anything.

School districts came under fire for adopting attendance policies that are so strict that Indian students are unable to meet them. These policies do not recognize an Indian student's need to participate in cultural events nor do they recognize the strong familial bonds that exist outside of the Indian student's immediate family. Parents want flexible school policies that reflect the community's culture. School schedules also need to be more flexible and reflect community needs.

*Non-Indian
teachers need
more training in
Indian learning
styles and the
Indian culture
in their teacher
preparation
program.*



Many Indian parents are intimidated by the public school setting. They feel inferior to the non-Indian teachers and administrators because of the parents' lack of education. They are distrustful because of the boarding school experience that many parents and grandparents still painfully remember. Parents want schools to be a welcoming place for them and their children. They want to feel comfortable talking to teachers. They want to know how to help their children academically and how to advocate for them when they are in trouble.

Indian parents and educators want more graduation options for students struggling to stay in school, such as allowing high schools to offer a general education development program or have more flexible graduation requirements. Schools should be able to offer credit for participation in cultural activities, such as physical education credit for powwow dancing.

Parents also saw a role for tribes in public education. They would like to see tribal education departments adopt tribal education standards, based on Montana's accreditation standards, and incorporate them into local standards. Parents would also like more tribal support when they encounter difficulties with their children's schools.

Indian parents have the same hopes and dreams for their children as non-Indian parents do. They want their children to succeed in school. They do not want to see their children belittled or discriminated against. Parents sometimes feel helpless against a school bureaucracy. They want someone to help them become advocates for their children, and they want schools to listen to their concerns.

The public hearings provided a wealth of information for the Committee to digest before making its recommendations. For a complete listing of recommendations from the public hearings, please refer to Appendix G of this report.

What Can Montana Do?

Because of the vast array of successful approaches to dropout prevention that exist all across the nation, it is impossible to select certain programs and recommend them as the answer to the dropout problem in Montana. That being said, there are things that Montana, namely, the Legislature, Board of Public Education, Office of Public Instruction, and school districts, can do.

- ① Adopt a formal policy acknowledging that every child has the right to succeed in school. Our Constitution states that "It is the goal of the people to establish a system of education which will develop the full educational potential of each

person." That goal could be translated into a formal policy adopted in statute that commits Montana to providing every child with the opportunity to succeed. Even a simple statement by the Legislature that acknowledges the Legislature's concern for at-risk children and states its commitment to providing them with every opportunity to succeed may be a good first step.

- ② Establish a program within the Office of Public Instruction dedicated solely to dropout prevention. Dropout prevention efforts have to take place at the school district level. However, school districts need to have access to information, resources, and technical assistance in order to successfully address their needs. Because there are so many dropout prevention strategies out there, school districts also need assistance in evaluating dropout prevention programs. A program within OPI could provide that help. If more students are kept from dropping out of school, the long-term financial and economic benefits will far outweigh the initial costs.
- ③ Require every school district to develop a plan for addressing the needs of at-risk children. Schools should take a serious look at those students who are struggling academically and those who are exhibiting other predictors of dropping out of school. Schools may need to review their policies, especially attendance and grade retention. They could identify the weaknesses in their programs that allow students to slip through the cracks. Schools could find out why their students are leaving school and where they are going. Local schools could work with parents, tribal educators, and community resources in gathering this information. Armed with this information, schools could begin to develop programs and adopt policies aimed at helping every student succeed.
- ④ Implement a student accounting system that will track students as they withdraw from school. This would allow the state to get a good accounting of students who are dropping out of school, why they are dropping out, and where they are going. In Oregon, the Oregon Department of Education is required to establish and maintain a tracking system that accounts for

insurance program, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state in which the political subdivisions undertake to separately or jointly indemnify one another by way of a pooling, joint retention, deductible, or self-insurance plan.

(b) This Except for the K-12 statewide health insurance program, this code does not apply to any arrangement, plan, or interlocal agreement between political subdivisions of this state or any arrangement, plan, or program of a single political subdivision of this state in which the political subdivision provides to its officers, elected officials, or employees disability insurance or life insurance through a self-funded program.

~~(10)~~(11) (a) This code does not apply to the marketing of, sale of, offering for sale of, issuance of, making of, proposal to make, and administration of a service contract.

(b) A "service contract" means a contract or agreement for a separately stated consideration for a specific duration to perform the repair, replacement, or maintenance of property or to indemnify for the repair, replacement, or maintenance of property if an operational or structural failure is due to a defect in materials or manufacturing or to normal wear and tear, with or without an additional provision for incidental payment or indemnity under limited circumstances, including but not limited to towing, rental, and emergency road service. A service contract may provide for the repair, replacement, or maintenance of property for damage resulting from power surges or accidental

damage from handling. A service contract does not include motor club service as defined in 61-12-301.

~~(11)~~(12) (a) Subject to 33-18-201 and 33-18-242, this code does not apply to insurance for ambulance services sold by a county, city, or town or to insurance sold by a third party if the county, city, or town is liable for the financial risk under the contract with the third party as provided in 7-34-103.

(b) If the financial risk for ambulance service insurance is with an entity other than the county, city, or town, the entity is subject to the provisions of this code."

{Internal References to 33-1-102:
X 33-35-103}

Section 37. Section 33-1-201, MCA, is amended to read:

"33-1-201. Definitions -- insurance in general. For the purposes of this code, the following definitions apply unless the context requires otherwise:

(1) An "alien insurer" is one formed under the laws of any country other than the United States, its states, districts, territories, and commonwealths.

(2) An "authorized insurer" is one duly authorized by subsisting certificate of authority issued by the commissioner to transact insurance in this state.

(3) A "domestic insurer" is one incorporated under the laws of this state.

(4) A "foreign insurer" is one formed under the laws of any jurisdiction other than this state. Except where distinguished by

colleges. In 1989, the Montana Supreme Court held that Article X, section 1(2) of the Montana Constitution:

"establishes a special burden in Montana for the education of American Indian Children which must be addressed as a part of the school funding issues." Helena Elementary School District No. 1 v. State, 236 Mont. 44, 769 P.2d 684 (1989).

Committee Recommendations

Before making any recommendations to the 59th Legislature regarding dropout prevention, the Committee discussed two important issues. In 1992, Judge Jeffrey Sherlock issued a decision regarding the interaction between the Legislature and the Board of Public Education. The case involved the issue of whether a school district was required to have a gifted and talented program. The statute said such a program was optional, but the Board of Public Education, by administrative rule, made the program mandatory. In ruling in favor of the Board of Public Education, Judge Sherlock stated in his decision:

"The Board of Public Education, pursuant to Article X, Section 9(3), of the Montana Constitution, is vested with constitutional rule-making authority. This provision is self-executing and independent of any power that is delegated to the Board by the legislature." Montana Board of Public Education v. State, Cause No. BDV-91-1072, 1st Judicial District (1992).

What the ruling means is that the Legislature is precluded from mandating that schools do certain things that are related to accreditation standards or to other rules adopted by the Board of Public Education. So any recommendations to school districts must be in the form of "suggestions". Another option is to use a conditional appropriation, similar to what the Legislature does with the Board of Regents, in which the Legislature attaches conditions to the acceptance of money. If the Board accepts the appropriation, the conditions are binding.

The second issue was the unfunded mandate laws. The Legislature cannot require a school district to perform an activity or provide a service or a facility that requires the direct expenditure of additional funds without providing a specific means of financing, other than the existing property tax mill levy (1-2-113, MCA). A bill may not be introduced in the Legislature that requires a school district to perform an activity or provide a service or facility that requires the direct expenditure of additional funds without a specific means of financing (1-2-114, MCA).

With these two issues in mind and after much discussion, the Committee voted to establish a dropout prevention program within the Office of Public Instruction (OPI). This program will provide, upon request, information, resources, and technical assistance to school districts, especially districts with a high dropout rate for American Indian students, in developing local programs designed to keep at-risk students in school until they graduate. The program is to be integrated with Indian Education for All. OPI would also be required to make a dropout prevention progress report to the Board of Public Education, the Committee, and the 60th Legislature.

Chapter Five

Available Materials

The following materials relevant to the State-Tribal Relations Committee are available from the Legislative Services Division (LSD) or on the LSD website at www.leg.state.mt.us. Follow the "Committees" link or the "Interims" link to the State-Tribal Relations Committee.

Minutes of Meetings (including exhibits)

August 27, 2003	March 5, 2004
September 29-30, 2003	June 2-3, 2004
December 5, 2003	August 17, 2004
September 8, 2004	

Minutes of Public Hearings on HJR 8

September 29, 2003
April 2, 2004
June 2, 2004

Staff Reports and Memoranda

Legislation Considered by the 2003 Montana Legislature Affecting American Indians, June 2003, Connie Erickson, Legislative Services Division

State-Tribal Relations Committee Proposed Work Plan for the 2003-04 Interim, July 2003, Connie Erickson, Legislative Services Division

Proposed Study Plan for House Joint Resolution No. 8: Addressing the High Dropout Rate for American Indian Students, August 2003, Connie Erickson, Legislative Services Division

The Story of Joey: Why America Can No Longer Afford to Ignore Its At-Risk Students, February 2004, Connie Erickson, Legislative Services Division

What Montana Can Do to Save Its At-Risk Children, August 2004, Connie Erickson, Legislative Services Division

APPENDIX A

**** Bill No. ****

Introduced By *****

By Request of the State-Tribal Relations Committee

A Bill for an Act entitled: "An Act increasing the per student distribution limit for resident nonbeneficiary students attending tribally controlled community colleges in Montana to \$3,024; limiting the financial assistance to nonbeneficiary students enrolled in courses that are transferable to another Montana college or university; eliminating the requirement to subtract the amount given in Indian fee waivers prior to distribution of money for nonbeneficiary waivers; amending section 20-25-428, MCA; and providing an effective date."

Be it enacted by the Legislature of the State of Montana:

Section 1. Section 20-25-428, MCA, is amended to read:

"20-25-428. Financial assistance for resident nonbeneficiary students. (1) Subject to a line item appropriation for purposes of this section, the regents shall provide financial assistance to tribally controlled community colleges for enrolled resident nonbeneficiary students who are taking courses that are transferable to another Montana college or university.

(2) Each tribal community college shall apply for this assistance to the regents. Except as provided in subsection (6), the money must be distributed on a prorated basis according to the eligible resident nonbeneficiary student enrollment in each

tribal community college during the previous year. To qualify, a resident nonbeneficiary student shall meet the residency requirements as prescribed for the system by the regents and be enrolled in courses that are transferable to another Montana college or university. The distribution for any student is limited to a maximum of ~~\$1,500~~ \$3,024 each year for each full-time equivalent student.

(3) An expenditure is contingent upon the tribal community college:

(a) being accredited or being a candidate for accreditation by the northwest association of schools and colleges;

(b) entering into a contract or a state-tribal cooperative agreement, pursuant to Title 18, chapter 11, with the regents to provide the regents with information relating to eligibility of resident nonbeneficiary students and documentation on the curriculum to ensure that the content and quality of courses offered by the tribal community college are consistent with the standards adopted by the system; ~~and~~

(c) providing the regents with documentation that the courses in which the resident nonbeneficiary students are enrolled will be accepted at another Montana college or university; and

~~(c)~~ (d) filing with the regents evidence that the college's enrollment of Indian students is at least 51%, as required by the Tribally Controlled Community College Assistance Act of 1978, 25 U.S.C. 1804.

(4) If funding is available pursuant to subsection (1), the

legislature intends that the money be an amount in addition to the system budget approved in the general appropriations act.

(5) All funds appropriated under subsection (1) that are unspent revert to the state general fund.

(6) Prior to receiving money pursuant to subsection (1), each tribal community college shall-

~~(a) grant to resident nonbeneficiary students who meet the residency requirements, as prescribed for the system by the regents, fee waivers in the same percentage as the number of Indian students who are receiving fee waivers to attend a unit of the system bears to the total enrollment in the system; and~~

~~(b) subtract the costs of resident nonbeneficiary fee waivers granted under subsection (6)(a) from the total amount of prorated money to be distributed.~~

(7) The calculation in subsection (6) is not intended to allow the university system to retain the calculated amount of funds. Waivers must be given to eligible students."

{ Internal References to 20-25-428:
X 20-1-225 }

NEW SECTION. **Section 2. Notification to tribal governments.** The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. **Section 3. {standard} Effective date.** [This act] is effective July 1, 2005.

- END -

{Name : Connie Erickson
Title : Research Analyst
Agency : Legislative Services Division
Phone : (406) 444-3064
E-Mail : cerickson@state.mt.us}

**** Bill No. ****

Introduced By *****

By Request of the State-Tribal Relations Committee

A Bill for an Act entitled: "An Act implementing article X, section 1(1), of the Montana constitution regarding the development of the educational potential of each person, and Article X, section 1(2), of the Montana constitution, by providing funding to the office of public instruction to implement a dropout prevention program that is integrated with Indian Education for All; requiring the superintendent to consult with the Montana advisory council on Indian education; requiring reports to the state-tribal relations committee, the board of public education, and the 60th legislature; providing an appropriation; and providing an effective date."

WHEREAS, in 1972, the people of Montana declared that it is the goal of the state to establish an educational system that will develop the full educational potential of each person; and

WHEREAS, the Montana Supreme Court, in *Helena Elementary School District No. 1 v. State*, 236 Mont. 44, 58, 769 P.2d 684, 693 (1989), ruled that Article X, section 1(2) "establishes a special burden in Montana for the education of American Indian children which must be addressed as part of the school funding issues"; and

WHEREAS, a 1995 interim study, which resulted in passage of House Bill No. 528, commonly called Indian Education for All, by

the 1999 Legislature, reported that one of the reasons Indian students dropped out of school was that schools provided Indian students with no role models or curricula that was inclusive of Indian culture or of relevance to Indian students; and

WHEREAS, since 1998-99, the dropout rate for all students in Montana has remained steady at about 4% while the dropout rate for American Indian students has remained steady at 10%; and

WHEREAS, in 2002-03 the graduation rate in Montana high schools for all students was 84%, but for American Indian students it was only 58%; and

WHEREAS, educators acknowledge that students who drop out of high school most often have disengaged from the education process as early as elementary school; and

WHEREAS, in Columbia Falls School District No. 1 v. State (Cause No. BDV-2002-258 (D.Ct 2004)), the District Court in 2004 ruled that the current state funding system violated Article X, section 1(2), of the Montana Constitution because by providing no funding to implement Indian Education for All, the State had "failed to recognize the distinct and unique cultural heritage of American Indians and has shown no commitment in its educational goals to the preservation of their cultural identity"; and

WHEREAS, dropouts have a tremendous impact on society at large, primarily in the form of increased social costs, while high school graduates will become assets to our local and state economies by becoming productive and successful citizens.

Be it enacted by the Legislature of the State of Montana:

NEW SECTION. **Section 1. Dropout prevention program.** (1)

The office of public instruction shall establish a dropout prevention program to provide information, resources, and technical assistance to school districts who have identified at-risk students within their districts and have requested assistance from the office in enhancing or developing local programs designed to keep students who are at risk of dropping out in school until they receive a high school diploma or its equivalent. The program must include, but is not limited to, a procedure to assist school districts in identifying the reasons why students are dropping out of school.

(2) It is the intent of the legislature that the dropout prevention program be integrated with the efforts of the superintendent to implement Indian education for all codified at Title 20, chapter 1, part 5, and that the superintendent of public instruction provide a dropout prevention progress report to the state-tribal relations committee, the board of public education, and to the regular session of the 60th legislature.

(3) The superintendent shall consult with the Montana advisory council on Indian education on dropout prevention as it pertains to American Indian students.

NEW SECTION. **Section 2. Appropriation.** In addition to any money appropriated to implement Indian education for all, there is appropriated \$50,000 from the general fund to the superintendent of public instruction for the biennium beginning

July 1, 2005, to provide technical assistance to school districts in developing dropout prevention programs.

NEW SECTION. **Section 3. {standard} Codification**

instruction. [Section 1] is intended to be codified as an integral part of Title 20, chapter 7, part 1, and the provisions of Title 20, chapter 7, part 1, apply to [section 1].

NEW SECTION. **Section 4. Notification to school districts.**

The secretary of state shall send a copy of [this act] to the superintendent of public instruction for dissemination to every public school district in Montana.

NEW SECTION. **Section 5. Notification to tribal**

governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. **Section 6. {standard} Effective date.** [This

act] is effective July 1, 2005.

- END -

{Name : Connie Erickson
Title : Research Analyst
Agency: Legislative Services Division
Phone : (406)444-3064
E-Mail: cerickson@state.mt.us}

2005 Montana Legislature

UNAPPROVED DRAFT BILL -- Subject to Change Without Notice!

About Bill -- Links

_____ BILL NO.

INTRODUCED BY _____

(Primary Sponsor)BY REQUEST OF THE STATE-TRIBAL RELATIONS COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT EXTENDING THE DURATION OF THE STATE-TRIBAL ECONOMIC DEVELOPMENT COMMISSION; REDUCING THE REQUIRED QUORUM FOR THE COMMISSION FROM SEVEN TO SIX; PROVIDING AN APPROPRIATION; AMENDING SECTION 90-1-131, MCA, SECTION 19, CHAPTER 512, LAWS OF 1999, AND SECTION 5, CHAPTER 69, LAWS OF 2001; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 90-1-131, MCA, is amended to read:

"90-1-131. (Temporary) State-tribal economic development commission -- composition -- compensation for members. (1) There is a state-tribal economic development commission administratively attached to the office of the governor as prescribed in 2-15-121.

(2) The commission is composed of 10 members, each appointed by the governor to 3-year staggered terms commencing on July 1 of each year of appointment, and must include:

(a) the state coordinator of Indian affairs;

(b) one member from the department of commerce;

(c) one member from each of the seven federally recognized tribes in Montana and one member from the Little Shell band of Chippewa Indians. A tribal government may advertise for individuals interested in serving on the commission and develop a list of applicants from which it may choose its nominee to recommend to the governor. In place of choosing from a list of applicants, a tribal government may select an elected tribal official to recommend for membership on the commission. If a tribal government nominates or otherwise recommends more than one person for membership on the commission, the governor shall select one individual from among those recommended persons.

(3) The members of the commission shall elect a presiding officer from among the members.

(4) ~~Seven~~ **Six** members of the commission constitute a quorum, and the affirmative vote of the majority of the members present is sufficient for any action taken by the commission.

(5) Any vacancy on the commission must be filled in the same manner as the original appointment.

(6) Each member of the commission is entitled to reimbursement for expenses as provided in 2-18-501 through 2-18-503. (Terminates June 30, ~~2005~~ ~~2007~~ ~~see 5, Ch. 60, L. 2001.~~)"

NEW SECTION. Section 2. Appropriation. (1) On July 1, 2005, there is transferred \$200,000 from the general fund to the state special revenue account established in 90-1-135, which must be allocated to and expended by the state-tribal economic development commission in appropriate amounts as determined by the commission to:

(a) continue a comprehensive assessment of economic development needs and priorities as required in 90-1-133; and

(b) pay the administrative costs and expenses of the commission.

(2) There is appropriated for the biennium beginning July 1, 2005, to the state-tribal economic development commission from the state special revenue account established in 90-1-135 \$200,000 for the purpose of funding the commission's activities, including but not limited to those specified in subsection (1).

(3) Money received in federal programs or grants that is deposited in the federal special revenue account established in 90-1-135 is appropriated in an amount not to exceed \$2 million to the state-tribal economic development commission for purposes consistent with 90-1-130 through 90-1-135.

(4) The appropriations in this section are biennial.

Section 3. Section 19, Chapter 512, Laws of 1999, is amended to read:

"Section 19. Termination. [This act] terminates June 30, ~~2004~~ ~~2007~~."

Section 4. Section 5, Chapter 69, Laws of 2001, is amended to read:

"Section 5. Section 19, Chapter 512, Laws of 1999, is amended to read:

"Section 19. Termination. "[This act] terminates June 30, ~~2004~~ ~~2005~~ ~~2007~~.""

NEW SECTION. Section 5. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of Chippewa.

NEW SECTION. Section 6. Effective date. [This act] is effective on passage and approval.

- END -

Latest Version of LC 363 (LC0363.01)

Processed for the Web on October 20, 2004 (7:48am)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the status of this bill for the bill's primary sponsor.

[Status of this Bill](#) | [2005 Legislature](#) | [Leg. Branch Home](#)

[This bill in WP 5.1](#) | [All versions of all bills \(WP 5.1 format\)](#)

[Authorized print version w/line numbers \(PDF format\)](#)

[[NEW SEARCH](#)]

Prepared by Montana Legislative Services

(406) 444-3064

APPENDIX B



State-Tribal Relations Interim Committee

58th Montana Legislature

SENATE MEMBERS

JOHN BOHLINGER—Chair
EDWARD BUTCHER
KEN HANSEN
CAROLYN SQUIRES

HOUSE MEMBERS

CAROL JUNEAU—Vice Chair
BRUCE MALCOLM
RICK RIPLEY
JONATHAN WINDY BOY

COMMITTEE STAFF

CONNIE ERICKSON, Research Analyst
EDDY MCCLURE, Staff Attorney
DAWN FIELD, Secretary

ISSUES PRESENTED TO THE STATE-TRIBAL RELATIONS COMMITTEE AT THE MEETING ON THE FORT BELKNAP RESERVATION Monday and Tuesday, September 29-30, 2003

Gaming Compacts

The Fort Belknap Tribes are currently renegotiating its gaming compact with the State of Montana. The Tribe has submitted a draft compact to the state but the state has yet to respond. **(Response attached.)**

Use of BIA Unemployment Statistics

The Tribes would like the Montana Department of Labor to use the BIA's unemployment reports when issuing state labor statistics. **(Response attached.)**

Road Construction and Maintenance

Roads on the Reservation are old and unsafe. The Tribes would like to see the funding formula revised so roads can be improved. The Tribes would like to see wider shoulders on US Highway 2 and guardrails on MT Highway 66 that runs north and south through the Reservation. **(Response attached.)**

Corrections

The Tribes would like to see a regional correctional facility, similar to the one in Great Falls, along the Hi-line, specifically at Fort Belknap. **(Response attached.)**

Zortman-Landusky Mines

The area where the mines are located were removed from the Fort Belknap Reservation in the 1890s by the Grinnell Treaty. According to tribal officials, the treaty required the area to be returned to the Reservation once mining activities ceased. The Tribes would like to have that area returned.

The Tribes are also concerned about treatment of the water coming from the mine site onto the Reservation, particularly after the state completes its reclamation activities. **(Response attached.)**

Unemployment Insurance Benefits

Classified school employees (secretaries, aides, janitors, cooks) are generally laid off during the summer and then rehired in the fall. State law prohibits these

employees from collecting unemployment insurance benefits during the summer. On Indian reservations, many of these employees are Indians who have no other source of income because of the lack of jobs on a reservation. The Tribes would like to see the law changed so that classified school employees can collect these benefits in the summer.

Senior Citizens

The senior citizens at the Lodge Pole Senior Citizens Center presented a number of issues to the Committee. There are three senior citizens' centers on the Reservation. The Centers could use additional funding to hire more personnel. Currently, only the Centers' cooks are paid through the Title III program. There is a need for salaries for the director, an activities director, and the cooks' helpers who also serve as drivers. The Centers will be receiving new vehicles from the MDT but will need funding for operation and maintenance. Some tribal elders do not have transportation to the Centers, and the Centers' vehicle is used to either bring them to the Centers or bring meals out to them and to transport them to appointments, shopping, and other activities.

There are many elders on the Reservation who are home-bound but do not qualify for the in-home services offered through the Indian Health Service. The senior citizens would like to have some funding to provide in-home services to these elders.

There is also a need for a nursing home on the Fort Belknap Reservation. Currently, tribal elders who require these services must leave the Reservation, making it very difficult for their families to visit them.

The senior citizens would also like some assistance with grant-writing. This would help them address some their funding issues.

Chemical Dependency Treatment

Methamphetamine use is a major concern on the Reservation as it is elsewhere in the state.

From 1998-2001, the tribal Chemical Dependency Center sent 232 clients to treatment facilities. There are limited chemical dependency treatment facilities in Montana and it is very costly to house clients in these facilities. The tribal Chemical Dependency Center would like the state to look at reservation statistics relating to drug and alcohol abuse to determine treatment demands. The Center would also like to establish a transitional living facility on the Reservation and provide more activities for youth at risk for drug and alcohol abuse.

Water and Sanitation

The Environmental Health Program is in charge of water and sanitation on the

Reservation. The program is also involved with the Tribal Emergency Response Committee and Disaster Emergency Response. The Tribe would like to have a full-time person devoted solely to TERC and DES.

The Sanitation Facilities Construction Program oversees the construction of water and sanitation projects on the Reservation. There is a need for an emergency fund to assist homeowners when their facilities break down. There is also a need for more funding in order to provide water and sewer service to residents in a more timely manner. Currently, the waiting list for services is several years.

The IHS hospital is in need of a back-up water system because of the unreliability of the tribal system. When the system goes down, the hospital has to transport patients to Havre. **(Response attached.)**

Higher Education

Fort Belknap Community College would like to have more funding for GED instruction at the College. Currently, the College is paying for the instruction out of its general fund, which takes away from its academic programs. **(Response attached.)**

The College, as well as some other tribal members, would like to see a tribal college representative on the Board of Regents as well as an Indian representative on the Board. **(Response attached.)**

State funding for nonbeneficiary students was also requested by the College. **(Response attached.)**

A tribal member stated the need for more job training and vocational-technical programs at tribal colleges. He would also like to see MSU-Bozeman work more closely with natural resource programs at tribal colleges.

Fish and Game

Harold Main, Tribal Fish and Game Director, asked the Committee for help in accessing Pittman-Robinson and Dingell-Johnson funds for fish and wildlife conservation. These are federal funds that come from hunting and fishing license fees and are available through the state Department of Fish, Wildlife, and Parks. **(Response attached.)**

Miscellaneous

The following issues were also presented to the Committee during its visit:

1. Urge the federal government to hire Montanans to fight forest and wild land fires that occur on federal land in Montana.
2. Urge the Governor and other state officials to appoint more Indians

- to state boards and commissions.
3. Urge the state to provide training and assistance to tribal volunteer fire departments.
 4. Allow tribes to have first access to surplus state and county equipment.

GAMING COMPACTS WITH THE STATE

On Wednesday, December 3, 2003, the state Gaming Advisory Council met in Helena and heard from tribal representatives who expressed their concerns regarding the gaming compacts negotiated with the state. Every tribe spoke of the need to allow tribes to offer some types of gaming that are currently prohibited by the state. By limiting gaming on the reservations, the state was not honoring the original intent of the Indian Gaming Regulatory Act (IGRA). The purpose of IGRA is to promote economic development and self-sufficiency on reservations. According to the tribes, if the state is unwilling to give tribes an economic advantage over nontribal operators, economic development and tribal self-sufficiency cannot be achieved.

As a result of the meeting, the Gaming Advisory Council formed a subcommittee to specifically look at the issue of tribal gaming, to consider the concerns expressed by the tribes, and to make recommendations for changes to the compacts to the full Council. The subcommittee, chaired by Kevin Howlett of the Confederated Salish and Kootenai Tribes, held its first meeting on January 15 in Polson.

The State-Tribal Relations Committee will monitor the work of the Council's subcommittee and, if appropriate, consider legislation to implement the Council's recommendations.

cc: Gene Huntington, Gambling Control Division Administrator, Department of Justice

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

USE OF BIA UNEMPLOYMENT STATISTICS IN STATE LABOR REPORTS

The 2003 Montana Legislature directed the Montana Department of Labor and Industry to collaborate with the Bureau of Indian Affairs (BIA) and with tribal governments to provide access to and disseminate BIA and tribal labor market information either on the Department's website or in other public documents published by the Department.

The State-Tribal Relations Committee will hear from the Department on this project at the Committee's next meeting on March 5, 2004.

cc: Commissioner Wendy Keating, Department of Labor and Industry

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

IMPROVEMENTS TO US HIGHWAY 2 AND MONTANA HIGHWAY 66

The Montana Department of Transportation is currently conducting a study of the portion of US Highway 2 between Havre and Fort Belknap Agency. The study will identify improvements that will increase safety and efficiency along the highway and will consider the economic, social, and environmental impacts of the highway. The study will include an environmental impact statement (EIS) and preliminary roadway design. The draft EIS will be published in the very near future. Public hearings on the draft EIS will be held in the spring of 2004.

The State-Tribal Relations Committee is still gathering information on Montana Highway 66 and will have a report later in the year.

cc: Dave Hill, Tribal Affairs Coordinator, Department of Transportation

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

REGIONAL CORRECTIONAL FACILITY AT FORT BELKNAP

A regional correctional facility, such as the one in Great Falls, is a joint detention center and correctional facility operated by a local government (e.g. city or county) in cooperation with the Montana Department of Corrections. If Fort Belknap is interested in establishing a regional correctional facility, you should contact either your local county commissioners (Blaine or Phillips) or local city officials (Harlem or Malta) to determine if they would be interested in building and operating such a facility.

cc: Nancy Wikle, Native American Liaison, Department of Corrections

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

WATER TREATMENT AND RECLAMATION EFFORTS AT THE ZORTMAN-LANDUSKY MINE SITES

The 2003 Montana Legislature requested an interim study of the surface water and ground water impacts of the abandoned Zortman and Landusky mine sites on the Milk and Missouri Rivers watersheds and the effectiveness of the state reclamation efforts at the mine sites in protecting the watersheds. The study is being conducted by Larry Mitchell of the Montana Legislative Environmental Policy Office.

The State-Tribal Relations Committee will request a report from Mr. Mitchell at the Committee's meeting on July 30, 2004.

cc: Dean Stiffarm, Environmental Liaison, Fort Belknap Tribes

Larry Mitchell, Legislative Environmental Policy Office

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

**ISSUES RELATED TO HIGHER EDUCATION:
Funding for GED Instruction,
Funding for nonbeneficiary students, and
Tribal college/Indian representatives on the Board of Regents**

GED Instruction: Funding for adult basic education programs, including GED instruction, is available from the Montana Office of Public Instruction. The money is awarded through a competitive grant process and requires a 25% local match. For information on how to apply for a grant, contact Becky Bird, Office of Public Instruction, at (406)444-4443.

Nonbeneficiary Students: This is an ongoing issue with both the State-Tribal Relations Committee and the Board of Regents. A presentation by Fort Peck Community College and Salish Kootenai College on the importance of nonbeneficiary student funding to tribal colleges was made to the Board of Regents at its January meeting in Helena. Both colleges requested the Regents to include such funding in the higher education budget currently being prepared for the 2005 legislative session. The Regents recognized the validity and soundness of the rationale for the funding. The Regents are beginning to work on the budget proposal and will have a final proposal by May.

Board of Regents: The Board of Regents is responsible for the governance and control of the Montana University System. Tribal colleges are not part of the University System. The State-Tribal Relations Committee believes it is inappropriate to have a member on the Board of Regents who represents a higher education system separate from the Montana University System

A more appropriate approach may be to require that at least one Regent be an American Indian or, at the very least, have specific knowledge of Indian culture and Indian higher education needs. Appointments to the Board of Regents are statutorily set and can be changed by the Legislature.

cc: Clarena Brockie, Dean of Students, Fort Belknap College

Becky Bird, Adult and Basic Literacy Specialist, Office of Public Instruction

Sheila Stearns, Commissioner of Higher Education, Montana University System

Rod Sundsted, Associate Commissioner for Fiscal Affairs, Montana University System

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

TRIBAL ACCESS TO FEDERAL FUNDS FOR FISH AND WILDLIFE CONSERVATION

The State-Tribal Relations Committee requested the Montana Department of Fish, Wildlife, and Parks to provide to the Committee an accounting of all of the money that the state has received from the federal government for fish and wildlife conservation through the Pittman-Robertson Act and the Dingell-Johnson Act over the past three years and how much of that money has gone to tribes over the same period of time.

The Committee has received the report and is in the process of reviewing it.

cc: Harold Main, Fish and Game Director, Fort Belknap Tribes

Larry Peterman, Chief of Operations, Department of Fish, Wildlife, and Parks

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

BACK-UP WATER SYSTEM FOR THE INDIAN HEALTH SERVICE HOSPITAL

When this request for assistance was made by the hospital director, the State-Tribal Relations Committee agreed to look into the possibility of the hospital obtaining a loan or grant from the Treasure State Endowment Program (TSEP).

TSEP is a state program designed to assist local governments in funding infrastructure projects, such as drinking water systems, wastewater treatment, sanitary sewer or storm sewer systems, solid waste disposal and separation systems, and bridges. Financial assistance is available in the form of matching grants, loans, or debt service subsidies. Only local governments, including tribal governments, are eligible to apply for assistance from TSEP. However, the project for which financial assistance is sought must be a project of the local government and must be for a "system" as opposed to a project for a single entity. Therefore, TSEP funding for a back-up water system at the IHS hospital at Fort Belnap is not an option.

cc: Daryl Brockie, Health System Administrator, Fort Belnap Health Center

Jim Edgcomb, Treasure State Endowment Program Manager, Department of Commerce

Blackfeet Tribe, Chippewa Cree Tribe, Crow Tribe, Fort Peck Tribes, Northern Cheyenne Tribe, and Salish and Kootenai Tribes

APPENDIX C



State-Tribal Relations Interim Committee

58th Montana Legislature

PO BOX 201706
Helena, MT 59620-1706
(406) 444-3064
FAX (406) 444-3036

SENATE MEMBERS
JOHN BOHLINGER--Chair
EDWARD BUTCHER
KEN HANSEN
CAROLYN SQUIRES

HOUSE MEMBERS
CAROL JUNEAU--Vice Chair
BRUCE MALCOLM
RICK RIPLEY
JONATHAN WINDY BOY

COMMITTEE STAFF
CONNIE ERICKSON, Research Analyst
EDDYE MCCLURE, Staff Attorney
DAWN FIELD, Secretary

August 3, 2004

Glen Little Bird
Food Distribution Program
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043-0128

Dear Mr. Little Bird,

During the recent visit of the State-Tribal Relations Committee to the Northern Cheyenne Reservation, you asked the Committee to look into the issue of continual recertification of the elderly and the permanently disabled in order to participate in your program. Upon the Committee's return to Helena, I contacted Forest Farris, Bureau Chief of the Food Distribution/Commodity Warehouse Section of the Department of Public Health and Human Services, to inquire about the recertification process.

According to Mr. Farris, eligibility for participation in the Food Distribution Program for Indian Reservations is income-based; it is not based on age or physical or mental disability. In addition, it is not just based on the income of the person receiving the food; it is based on the income of everyone living in the person's household. Therefore, people need to recertify in order to determine if there have been any changes in the household's income. This income-based eligibility is a federal requirement over which the state has no say.

I hope this answers your question. If I can be of any further assistance, please do not hesitate to call me (406)444-3078 or e-mail me at cerickson@state.mt.us.

Sincerely,

Connie Erickson, Research Analyst
State-Tribal Relations Committee

cc: President Geri Small
Northern Cheyenne Tribe

CI0429 4215cexa.

APPENDIX D

**STATE OF MONTANA
BOARD OF PARDONS AND PAROLE**

**PRESENTATION TO THE
LAW AND JUSTICE
INTERIM
COMMITTEE**

◀ IN RESPONSE TO HOUSE BILL 211 ▶

Section 16. Interim report. During the biennium beginning July 1, 2003, the board of pardons and parole shall report to the law and justice interim committee of the legislature on the disposition of parole applications made by Native Americans, including the reasons for approval or denial of parole, during the period of January 1, 1999, through March 31, 2004. The report must be made before July 1, 2004, and must be included in the board's biennial report.

JULY 2004

TABLES AND FIGURES

<u>Tables</u>	<u>Page</u>
Table 1 50.7% of Native Americans appearing before the Parole Board at their initial hearing or reconsideration hearing are approved for parole (average for all races is 53.3%).	1-2
Table 2 18.8% of Native Americans that are reviewed at a periodic administrative review are approved for parole (average for all races is 26.7%).	3-4
Table 3 53.8% of Native Americans that are reviewed prior to a regularly scheduled date are approved for parole (average for all races is 50.6%).	5
Table 4 21.6% of Native American parole violators are approved for reparole (average for all races is 14.8%).	6-7
 <u>Figures</u>	
Figure 1 Reasons for Parole – Native American Male: Offenders completing treatment and programs with a limited and non-violent criminal record are receiving a parole.	8
Figure 2 Reasons for Parole – Native American Female: Offenders completing treatment and programs with a limited and non-violent criminal record are receiving a parole.	9
Figure 3 Reasons for Parole – Caucasian Male: Offenders completing treatment and programs with a limited and non-violent criminal record are receiving a parole.	10
Figure 4 Reasons for Parole – Caucasian Female: Offenders completing treatment and programs with a limited and non-violent criminal record are receiving a parole.	11
Figure 5 Reasons for Parole Denial – Native American Male: Criminal history, institutional conduct, need for treatment and need for pre-release are major reasons for parole denial.	12
Figure 6 Reasons for Parole Denial – Native American Female: Criminal history, institutional conduct, need for treatment and need for pre-release are major reasons for parole denial.	13
Figure 7 Reasons for Parole Denial – Caucasian Male: Criminal history, institutional conduct, need for treatment and need for pre-release are major reasons for parole denial.	14
Figure 8 Reasons for Parole Denial – Caucasian Female: Criminal history, institutional conduct, need for treatment and need for pre-release are major reasons for parole denial.	15

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Appearance/Reappearance

#	DOC ID	Offender Name	Crime	Parole Eligibility Date			
<u>Asian/Oriental</u>							
Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	5	Total Males Approved:	2	Total Males Denied:	1	Total Male Waived or Cont.:	2
Total Dispositions:	5	Total Approved:	2	Total Denied:	1	Total Waived or Cont.:	2
		Approved Percentile:	66.7%	Denied Percentile:	33.3%		

Black/African American

Total	3	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	3
Total Males:	31	Total Males Approved:	9	Total Males Denied:	8	Total Male Waived or Cont.:	14
Total Dispositions:	36	Total Approved:	9	Total Denied:	8	Total Waived or Cont.:	19
		Approved Percentile:	52.9%	Denied Percentile:	47.1%		

Hispanic/Latin American

Total	9	Total Females Approved:	4	Total Females Denied:	2	Total Females Waived or Cont.:	3
Total Males:	44	Total Males Approved:	8	Total Males Denied:	9	Total Male Waived or Cont.:	27
Total Dispositions:	54	Total Approved:	12	Total Denied:	11	Total Waived or Cont.:	31
		Approved Percentile:	52.2%	Denied Percentile:	47.8%		

Hispanic/Native American

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	1	Total Males Approved:	0	Total Males Denied:	1	Total Male Waived or Cont.:	0
Total Dispositions:	1	Total Approved:	0	Total Denied:	1	Total Waived or Cont.:	0
		Approved Percentile:	0.0%	Denied Percentile:	100.0%		

Native American

Total	34	Total Females Approved:	9	Total Females Denied:	5	Total Females Waived or Cont.:	20
Total Males:	244	Total Males Approved:	60	Total Males Denied:	61	Total Male Waived or Cont.:	123
Total Dispositions:	285	Total Approved:	69	Total Denied:	67	Total Waived or Cont.:	149
		Approved Percentile:	50.7%	Denied Percentile:	49.3%		

Other

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	4	Total Males Approved:	1	Total Males Denied:	1	Total Male Waived or Cont.:	2
Total Dispositions:	4	Total Approved:	1	Total Denied:	1	Total Waived or Cont.:	2
		Approved Percentile:	50.0%	Denied Percentile:	50.0%		

Crimes: UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

Dispositions: CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles && Restructuring; SOP = Sex Offender Program; TSCTC/CP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Unanalysis Testing

Hearing Types: A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

State of Montana - Board of Pardons and Parole 09-2003 to 07-2004
 Final Board Dispositions By Hearing Type - Date Range Summary
 Hearing Type: Appearance/Reappearance

#	DOC ID	Offender Name	Crime	Parole Eligibility Date	
<u>White/Caucasian</u>					
Total	179	Total Females Approved:	64	Total Females Denied: 28	Total Females Waived or Cont.: 87
Total Males:	1065	Total Males Approved:	306	Total Males Denied: 286	Total Male Waived or Cont.: 473
Total Dispositions:	1268	Total Approved:	370	Total Denied: 316	Total Waived or Cont.: 582
		Approved Percentile:	53.9%	Denied Percentile:	46.1%

White/Native American					
Total	7	Total Females Approved:	2	Total Females Denied: 2	Total Females Waived or Cont.: 3
Total Males:	7	Total Males Approved:	2	Total Males Denied: 2	Total Male Waived or Cont.: 3
Total Dispositions:	14	Total Approved:	4	Total Denied: 4	Total Waived or Cont.: 6
		Approved Percentile:	50.0%	Denied Percentile:	50.0%

Report					
Total	232	Total Females Approved:	79	Total Females Denied: 37	Total Females Waived or Cont.: 3
Total Males:	1401	Total Males Approved:	388	Total Males Denied: 369	Total Male Waived or Cont.: 3
Total Dispositions:	1667	Total Approved:	467	Total Denied: 409	Total Waived or Cont.: 6
		Approved Percentile:	53.3%	Denied Percentile:	46.7%

Crimes: UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender
Dispositions: CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles && Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Urinalysis Testing
Hearing Types: A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Annual Review

#	DOC ID	Offender Name	Crime	Parole Eligibility Date			
<u>Black/African American</u>							
Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	10	Total Males Approved:	2	Total Males Denied:	7	Total Male Waived or Cont.:	1
Total Dispositions:	10	Total Approved:	2	Total Denied:	7	Total Waived or Cont.:	1
Approved Percentile: 22.2%			Denied Percentile: 77.8%				

Black/Native American

Total	1	Total Females Approved:	1	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	0	Total Males Approved:	0	Total Males Denied:	0	Total Male Waived or Cont.:	0
Total Dispositions:	1	Total Approved:	1	Total Denied:	0	Total Waived or Cont.:	0
Approved Percentile: 100.0%			Denied Percentile: 0.0%				

Hispanic/Latin American

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	11	Total Males Approved:	4	Total Males Denied:	6	Total Male Waived or Cont.:	1
Total Dispositions:	11	Total Approved:	4	Total Denied:	6	Total Waived or Cont.:	1
Approved Percentile: 40.0%			Denied Percentile: 60.0%				

Hispanic/Native American

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	3	Total Males Approved:	1	Total Males Denied:	2	Total Male Waived or Cont.:	0
Total Dispositions:	3	Total Approved:	1	Total Denied:	2	Total Waived or Cont.:	0
Approved Percentile: 33.3%			Denied Percentile: 66.7%				

Native American

Total	6	Total Females Approved:	2	Total Females Denied:	3	Total Females Waived or Cont.:	1
Total Males:	65	Total Males Approved:	10	Total Males Denied:	49	Total Male Waived or Cont.:	6
Total Dispositions:	71	Total Approved:	12	Total Denied:	52	Total Waived or Cont.:	7
Approved Percentile: 18.8%			Denied Percentile: 81.3%				

White/Caucasian

Total	8	Total Females Approved:	3	Total Females Denied:	4	Total Females Waived or Cont.:	1
Total Males:	270	Total Males Approved:	69	Total Males Denied:	180	Total Male Waived or Cont.:	21
Total Dispositions:	278	Total Approved:	72	Total Denied:	184	Total Waived or Cont.:	22
Approved Percentile: 28.1%			Denied Percentile: 71.9%				

Crimes:

UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

Dispositions:

CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Unanalysis Testing

Hearing Types:

A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

State of Montana - Board of Pardons and Parole

09-2003 to 07-2004

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Annual Review

#	DOC ID	Offender Name	Crime	Parole Eligibility Date			
<u>White/Native American</u>							
Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	2	Total Males Approved:	0	Total Males Denied:	2	Total Male Waived or Cont.:	0
Total Dispositions:	2	Total Approved:	0	Total Denied:	2	Total Waived or Cont.:	0
		Approved Percentile:	0.0%	Denied Percentile:	100.0%		

Report

Total	15	Total Females Approved:	6	Total Females Denied:	7	Total Females Waived or Cont.:	0
Total Males:	361	Total Males Approved:	86	Total Males Denied:	246	Total Male Waived or Cont.:	0
Total Dispositions:	376	Total Approved:	92	Total Denied:	253	Total Waived or Cont.:	0
		Approved Percentile:	26.7%	Denied Percentile:	73.3%		

Crimes: UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

Dispositions: CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Urinalysis Testing

Hearing Types: A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Case Review

#	DOC ID	Offender Name	Crime	Parole Eligibility Date			
<u>Asian/Oriental</u>							
Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	1	Total Males Approved:	0	Total Males Denied:	1	Total Male Waived or Cont.:	0
Total Dispositions:	1	Total Approved:	0	Total Denied:	1	Total Waived or Cont.:	0
		Approved Percentile:	0.0%	Denied Percentile:	100.0%		

Hispanic/Latin American

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	2	Total Males Approved:	1	Total Males Denied:	1	Total Male Waived or Cont.:	0
Total Dispositions:	2	Total Approved:	1	Total Denied:	1	Total Waived or Cont.:	0
		Approved Percentile:	50.0%	Denied Percentile:	50.0%		

Native American

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	14	Total Males Approved:	7	Total Males Denied:	6	Total Male Waived or Cont.:	1
Total Dispositions:	14	Total Approved:	7	Total Denied:	6	Total Waived or Cont.:	1
		Approved Percentile:	53.8%	Denied Percentile:	46.2%		

White/Caucasian

Total	2	Total Females Approved:	1	Total Females Denied:	1	Total Females Waived or Cont.:	0
Total Males:	61	Total Males Approved:	31	Total Males Denied:	29	Total Male Waived or Cont.:	1
Total Dispositions:	63	Total Approved:	32	Total Denied:	30	Total Waived or Cont.:	1
		Approved Percentile:	51.6%	Denied Percentile:	48.4%		

White/Native American

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	3	Total Males Approved:	1	Total Males Denied:	2	Total Male Waived or Cont.:	0
Total Dispositions:	3	Total Approved:	1	Total Denied:	2	Total Waived or Cont.:	0
		Approved Percentile:	33.3%	Denied Percentile:	66.7%		

Report

Total	2	Total Females Approved:	1	Total Females Denied:	1	Total Females Waived or Cont.:	0
Total Males:	81	Total Males Approved:	40	Total Males Denied:	39	Total Male Waived or Cont.:	0
Total Dispositions:	83	Total Approved:	41	Total Denied:	40	Total Waived or Cont.:	0
		Approved Percentile:	50.6%	Denied Percentile:	49.4%		

Crimes: UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender
Dispositions: CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Unanalysis Testing
Hearing Types: A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

State of Montana - Board of Pardons and Parole

09-2003 to 07-2004

Final Board Dispositions By Hearing Type - Date Range Summary

Hearing Type: Parole Revocation

#	DOC ID	Offender Name	Crime	Parole Eligibility Date			
AmerAsian							
Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	1	Total Males Approved:	0	Total Males Denied:	1	Total Male Waived or Cont.:	0
Total Dispositions:	1	Total Approved:	0	Total Denied:	1	Total Waived or Cont.:	0
		Approved Percentile:	0.0%	Denied Percentile:	100.0%		

Asian/Oriental

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	1	Total Males Approved:	0	Total Males Denied:	1	Total Male Waived or Cont.:	0
Total Dispositions:	1	Total Approved:	0	Total Denied:	1	Total Waived or Cont.:	0
		Approved Percentile:	0.0%	Denied Percentile:	100.0%		

Black/African American

Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	1	Total Males Approved:	1	Total Males Denied:	0	Total Male Waived or Cont.:	0
Total Dispositions:	1	Total Approved:	1	Total Denied:	0	Total Waived or Cont.:	0
		Approved Percentile:	100.0%	Denied Percentile:	0.0%		

Hispanic/Latin American

Total	1	Total Females Approved:	0	Total Females Denied:	1	Total Females Waived or Cont.:	0
Total Males:	8	Total Males Approved:	0	Total Males Denied:	7	Total Male Waived or Cont.:	1
Total Dispositions:	9	Total Approved:	0	Total Denied:	8	Total Waived or Cont.:	1
		Approved Percentile:	0.0%	Denied Percentile:	100.0%		

Native American

Total	15	Total Females Approved:	3	Total Females Denied:	9	Total Females Waived or Cont.:	3
Total Males:	27	Total Males Approved:	5	Total Males Denied:	20	Total Male Waived or Cont.:	2
Total Dispositions:	42	Total Approved:	8	Total Denied:	29	Total Waived or Cont.:	5
		Approved Percentile:	21.6%	Denied Percentile:	78.4%		

White/Caucasian

Total	18	Total Females Approved:	4	Total Females Denied:	11	Total Females Waived or Cont.:	3
Total Males:	129	Total Males Approved:	14	Total Males Denied:	106	Total Male Waived or Cont.:	9
Total Dispositions:	147	Total Approved:	18	Total Denied:	117	Total Waived or Cont.:	12
		Approved Percentile:	13.3%	Denied Percentile:	86.7%		

Crimes: UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous

Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

Dispositions: CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring;

SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Unanalysis Testing

Hearing Types: A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency;

PV = Parole Revocation; Rch = Recission; M = Medical

State of Montana - Board of Pardons and Parole 09-2003 to 07-2004
 Final Board Dispositions By Hearing Type - Date Range Summary
 Hearing Type: Parole Revocation

#	DOC ID	Offender Name	Crime	Parole Eligibility Date			
<u>White/Native American</u>							
Total	0	Total Females Approved:	0	Total Females Denied:	0	Total Females Waived or Cont.:	0
Total Males:	1	Total Males Approved:	0	Total Males Denied:	0	Total Male Waived or Cont.:	1
Total Dispositions:	1	Total Approved:	0	Total Denied:	0	Total Waived or Cont.:	1
		Approved Percentile:			Denied Percentile:		

Report

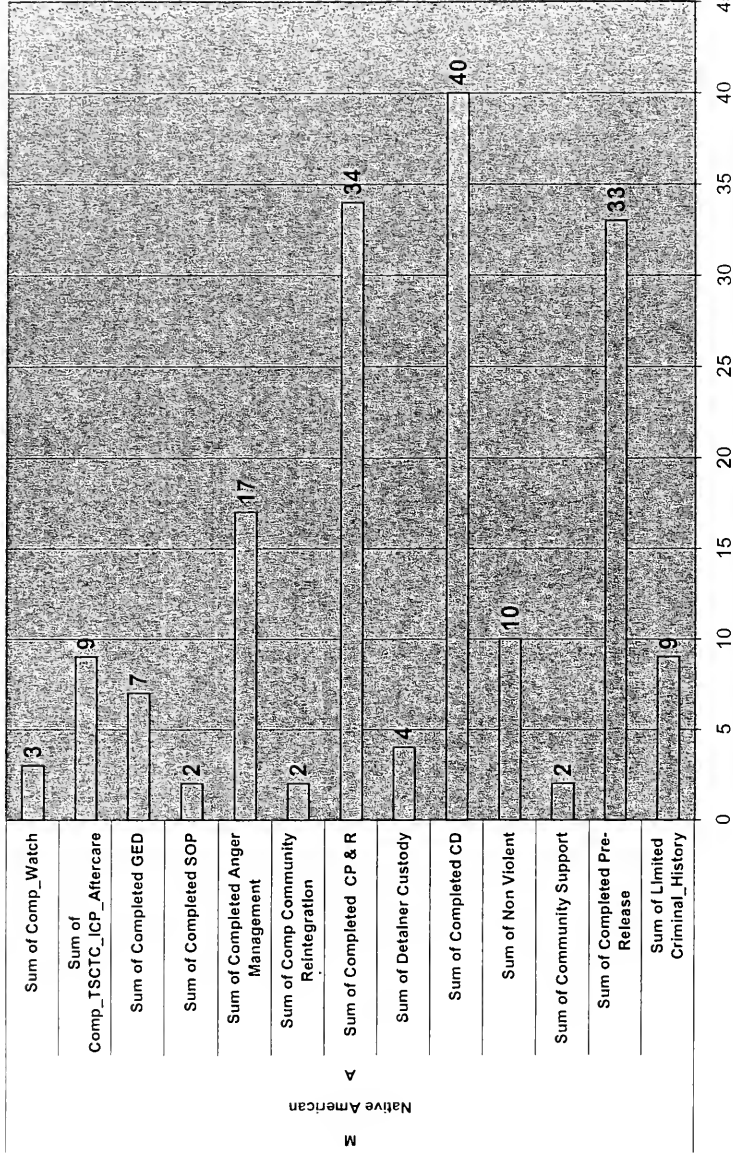
Total	34	Total Females Approved:	7	Total Females Denied:	21	Total Females Waived or Cont.:	0
Total Males:	168	Total Males Approved:	20	Total Males Denied:	135	Total Male Waived or Cont.:	1
Total Dispositions:	202	Total Approved:	27	Total Denied:	156	Total Waived or Cont.:	1
		Approved Percentile:	14.8%	Denied Percentile:	85.2%		

Crimes: UODW = Use of Dangerous Weapon; SIWC = Sexual Intercourse without Consent; CPODD = Criminal Possession of Dangerous Drugs; CSODD = Criminal Sale of Dangerous Drugs; PFO = Persistent Felony Offender

Dispositions: CD/CDC = Chemical Dependency Counseling; MH = Mental Health Counseling; CP & R = Cognitive Principles & Restructuring; SOP = Sex Offender Program; TSCTC/ICP = Boot Camp (Treasure State Correctional Training Center/Intensive Challenge Program); UA = Urinalysis Testing

Hearing Types: A = Appearance; AD = Administrative Decision; AR = Annual Review; CR = Case Review; EC = Executive Clemency; PV = Parole Revocation; Rch = Recission; M = Medical

REASONS FOR PAROLE-NATIVE AMERICAN MALE



SEPTEMBER 2003-JULY 2004

Sex
Race_Description
Hearing_Type
Data

REASONS FOR PAROLE-NATIVE AMERICAN FEMALE

Sex
Race_Description
HearingType
Data

9

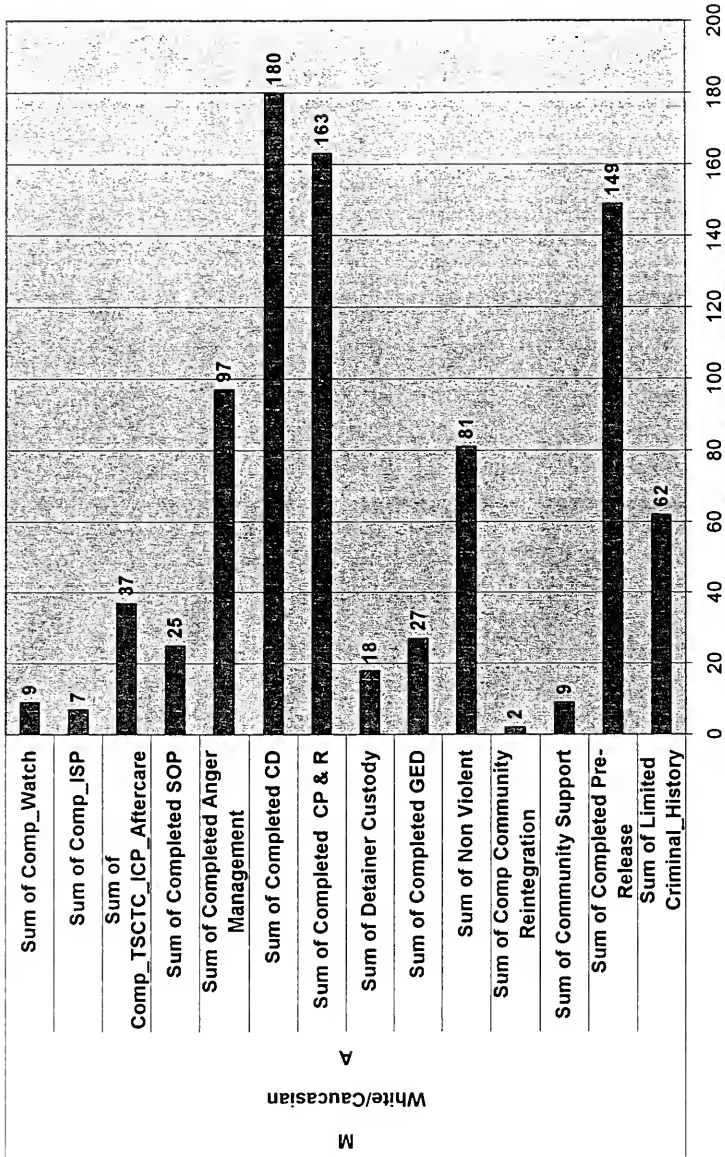
A
Native American

F

[illegible]

SEPTEMBER 2003-JULY 2004

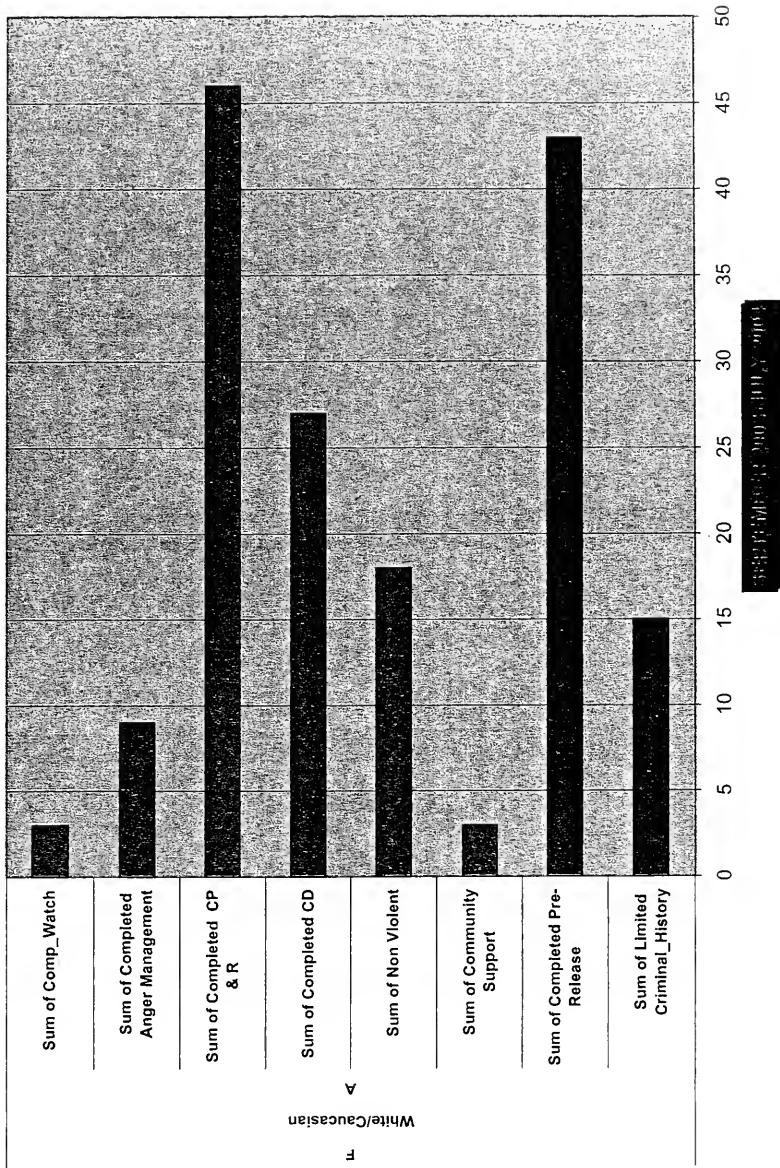
[REDACTED]



[REDACTED]

Sex
Race_Description
Hearing Type
Data

Case 1:09-cr-00170-UNA Document 1-1 Filed 03/11/10 Page 11 of 11



Sex
Race_Description
HearingType
Data

REASONS FOR PAROLE DENIAL-NATIVE AMERICAN MALE

Sum of Chemical Dependency Counseling	34
Sum of Mental Health Treatment	3
Sum of Anger Management	15
Sum of Pre-Release Program	21
Sum of Sex Offender Treatment	5
Sum of CP & R	20
Sum of Boot Camp	6
Sum of G.E.D.	14
Sum of Strong objection from criminal justice authorities and/or citizenry	2
Sum of Previous Escape	4
Sum of Repeat sex offenses	1
Sum of Pattern of similar offenses	10
Sum of Poor history under parole/probation supervision	44
Sum of Previous Criminal History	46
Sum of Multiple Offenses	25
Sum of Nature or Severity of Offense(s)	58
Sum of Attitude No Interest In Parole	6
Sum of Unsatisfactory or No Parole Plan	3
Sum of Institutional Custody Level	5
Sum of Work Evaluations	2
Sum of Housing Unit Evaluations	0
Sum of Institutional Conduct	26

Sex	
Race	Description
Hearing	Type
Data	

Sex	Race_Description	HearingType	Data
-----	------------------	-------------	------

▼

4

SEPTEMBER 2003-JULY 2004

REASONS FOR PAROLE DENIAL-CAUCASIAN MALE

Sum of Chemical Dependency Counseling	117			
Sum of Mental Health Treatment	21			
Sum of Anger Management	35			
Sum of Pre-Release_Program	112			
Sum of Sex Offender Treatment	53			
Sum of CP & R	58			
Sum of Boot Camp	30			
Sum of G.E.D.	25			
Sum of Strong objection from criminal justice authorities and/or citizenry	16			
Sum of Previous_Escape	14			
Sum of Repeat sex offenses	19			
Sum of Pattern of similar offenses	55			
Sum of Poor history under parole/probation supervision	184			
Sum of Previous Criminal History	160			
Sum of Multiple Offenses	126			
Sum of Nature or Severity of Offense(s)	259			
Sum of Attitude No Interest in Parole	19			
Sum of Unsatisfactory or No Parole Plan	6			
Sum of Institutional Custody Level	7			
Sum of Work Evaluations	6			
Sum of Housing Unit Evaluations	1			
Sum of Institutional Conduct	94			

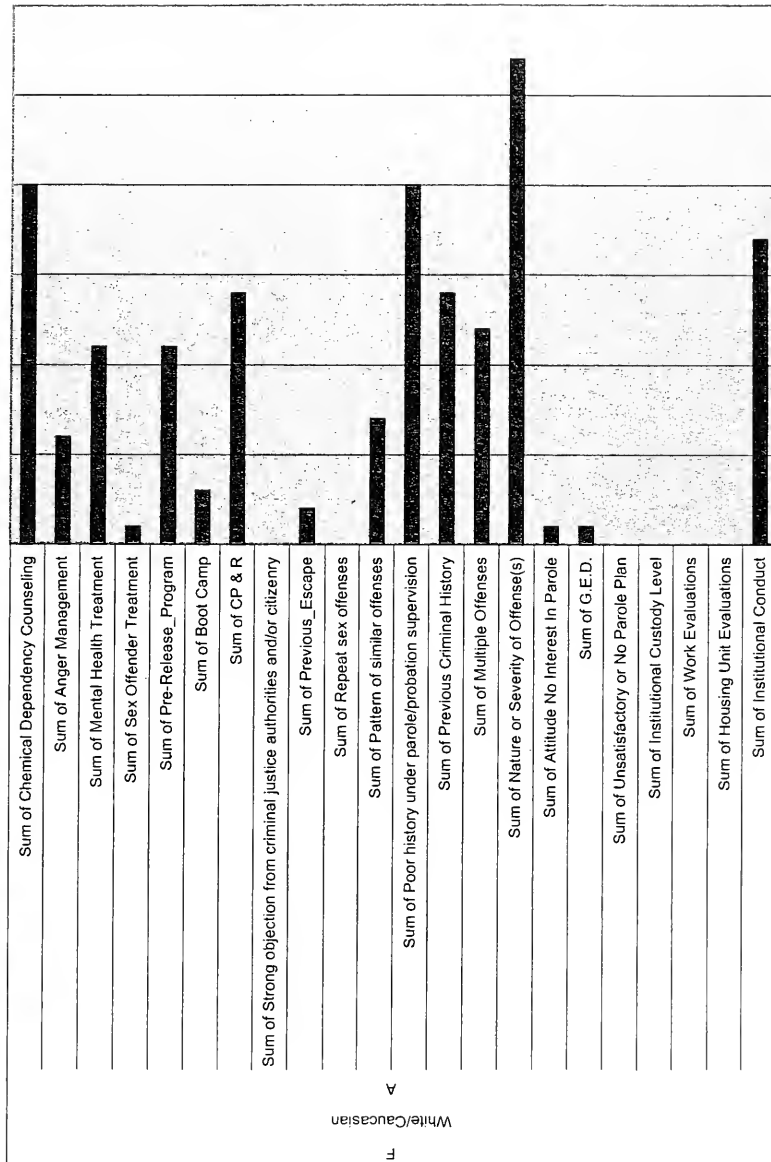
SEPTEMBER 2003-JULY 2004

Sex	
Race_Description	
HearingType	
Data	

Sex
Race_Description
HearingType
Data

White/Caucasian

A



APPENDIX E

2005 Montana Legislature

UNAPPROVED DRAFT BILL -- Subject to Change Without Notice!

About Bill -- Links

_____ BILL NO.

INTRODUCED BY _____

(Primary Sponsor)BY REQUEST OF THE DEPARTMENT OF JUSTICE

A BILL FOR AN ACT ENTITLED: "AN ACT DELEGATING AUTHORITY TO THE GOVERNOR TO NEGOTIATE AND EXECUTE CERTAIN CLASS III GAMING COMPACTS WITH MONTANA'S INDIAN TRIBES; PROVIDING CRITERIA FOR THE GOVERNOR TO FOLLOW; PROVIDING DEFINITIONS; PROVIDING FOR LEGISLATIVE NOTICE AND APPROVAL OF GAMING COMPACTS THAT AUTHORIZE NONPERMITTED GAMING OR THAT REQUIRE AN APPROPRIATION; DELEGATING TO THE GOVERNOR AUTHORITY TO NEGOTIATE AND DETERMINE CONDITIONS OF PLAY DIFFERENT FROM THOSE IN STATE LAW OR REGULATIONS UPON A DETERMINATION OF POSITIVE ECONOMIC IMPACTS TO THE TRIBE AND STATE; PROHIBITING THE LEGISLATURE FROM MODIFYING OR AMENDING THE LANGUAGE OF COMPACTS SUBMITTED FOR APPROVAL AND REQUIRING APPROVAL BY JOINT RESOLUTION; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Legislative findings and intent. (1) For purposes of implementing the federal Indian Gaming Regulatory Act of 1988, Public Law 100-497, 102 Stat. 2467, 25 U.S.C. 2701, et seq., the legislature finds that it is necessary to clarify a delegation of authority to the governor to negotiate and execute class III gaming compacts with federally recognized Indian tribes within the state.

(2) It is the intent of the legislature to delegate to the governor authority to determine when entering into a compact to allow conditions of play that are different from those authorized by state law or regulation will further state and federal policy and to preserve the legislature's authority under Article III, section 9, of the Montana constitution to define the scope of gambling activities that are permitted in the state.

NEW SECTION. Section 2. Definitions. As used in [sections 1 through 3], the following definitions apply:

(1) "Conditions of play" means state laws and regulations regarding hours or periods of operation, numbers of gaming devices, limitations on wagers, and limitations on prizes or pot sizes and is restricted to the conduct of permitted gaming.

(2) "Gaming compact" means an agreement between the state and a federally recognized Indian tribe as approved by the secretary of the United States department of the interior pursuant to the Indian Gaming Regulatory Act of 1988, 25 U.S.C. 2701, et seq.

(3) "Permitted gaming" means those forms of gaming permitted by the legislature for any purpose by any person, organization, or entity.

NEW SECTION. Section 3. Governor authorized to negotiate and execute gaming compacts -- limits on governor's authority -- authority of legislature. (1) The legislature recognizes the governor's discretionary authority to negotiate conditions of play that are different from those established in state law or regulation, but reserves the authority to authorize any additional forms of permitted gaming as provided in Article III, section 9, of the Montana constitution.

(2) The governor may represent the state in any gaming negotiation conducted pursuant to 25 U.S.C. 2701, et seq. The negotiations must be conducted by the governor, the attorney general, representatives of the appropriate gambling regulatory agency, and others designated by the governor as appropriate. The legislative council must be notified of the commencement of negotiations.

(3) Except as provided in subsection (4), the governor may execute a gaming compact or an amendment to a compact if:

(a) the compact is restricted to authorizing permitted gaming; and

(b) the compact does not include conditions of play that are significantly different from those provided by state law and department of justice rules unless the governor determines that conditions of play that are significantly different from those established by law and that are included in the compact will contribute to:

(i) substantial positive economic impacts to the state and tribes;

(ii) promoting business development and providing for economic self-sufficiency of an Indian tribe or tribes;

(iii) strengthening tribal governments; and

(iv) protecting tribal gaming from organized crime and other corrupting influences.

(4) A compact or an amendment to a compact that authorizes gaming that is not permitted gaming or that requires an appropriation of state funds must be submitted to the legislature for approval prior to execution of the compact or amendment. The legislature may not amend or modify the language of a gaming compact submitted for approval, but may approve a submitted compact. The approval must be by joint resolution enacted by the legislature.

NEW SECTION. Section 4. Notification to tribal governments. The secretary of state shall send a copy of [this act] to each tribal government located on the seven Montana reservations and to the Little Shell band of

Chippewa.

NEW SECTION. **Section 5. Codification instruction.** [Sections 1 through 3] are intended to be codified as an integral part of Title 23, chapter 5, and the provisions of Title 23, chapter 5, apply to [sections 1 through 3].

NEW SECTION. **Section 6. Effective date.** [This act] is effective on passage and approval.

NEW SECTION. **Section 7. Applicability.** [This act] does not apply to gaming compacts negotiated and approved by a Montana Indian tribe and the state before [the effective date of this act].

- END -

Latest Version of LC 271 (LC0271.01)

Processed for the Web on October 15, 2004 (8:54am)

New language in a bill appears underlined, deleted material appears stricken.

Sponsor names are handwritten on introduced bills, hence do not appear on the bill until it is reprinted.

See the [status of this bill](#) for the bill's primary sponsor.

[Status of this Bill](#) | [2005 Legislature](#) | [Leg. Branch Home](#)

[This bill in WP 5.1](#) | [All versions of all bills \(WP 5.1 format\)](#)

[Authorized print version w/line numbers \(PDF format\)](#)

[[NEW SEARCH](#)]

Prepared by Montana Legislative Services

(406) 444-3064

APPENDIX F

Montana Statewide Dropout and Graduate Report

2002-03 School Year



OPI

Office of Public Instruction
Linda McCulloch, Superintendent
PO Box 202501
Helena, MT 59620-2501

May 2004

Table of Contents

Introduction.....	2
The Impact of Dropping Out of School	2
Graduate and Dropout Definitions and Data Collections	2
Graduate Definitions and Data Collection.....	3
Dropout Definitions and Data Collection	3
Data Limitations.....	3
Analysis of Montana 2002-03 Dropout Rates	4
Calculating a Dropout Rate.....	4
2002-03 Montana Statewide Dropout Rate Summary	4
Distribution of Dropout Rates.....	6
Dropout Rates for Disaggregated Student Populations	7
Dropout Rates by Gender.....	7
Dropout Rates by Race/Ethnicity Categories	9
Dropout Rate by Size of District.....	14
Other Types of Dropout Indicators— The Completion and Graduation Rate.....	16
The Completion Rate	16
The Adequate Yearly Progress (AYP) Graduation Rate	17
What Helps Prevent Students from Dropping Out?.....	19
Final Note.....	19
References.....	20
Additional Dropout Resources on the Web	20

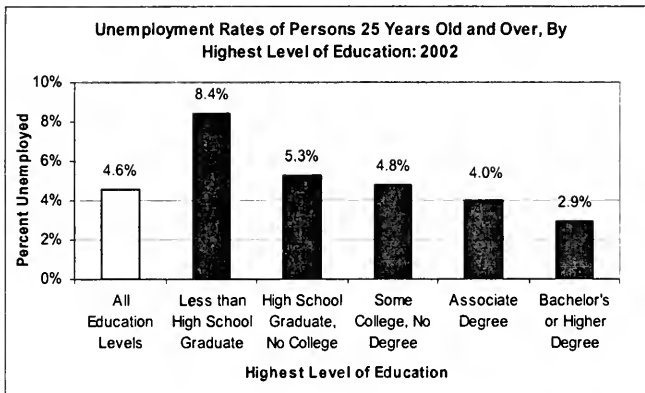
This report was prepared by the Office of Public Instruction, Measurement & Accountability Unit
Contact information can be obtained by calling Lindy Miller, (406) 444-6774 or e-mail, lindmiller@state.mt.us.

Introduction

The Montana School Accreditation Standards (10.55.603, ARM) require schools to do follow-up studies of graduates and students no longer in attendance. This report provides information on students who graduated or dropped out of Montana public, state-funded and nonpublic, accredited schools during the 2002-03 school year.

The Impact of Dropping Out of School

Students who drop out of school face a bleak economic world to a much greater degree than youths in general. According to the Digest of Education Statistics, as of October 2000, 28 percent of the 1999-00 dropouts were unemployed. By way of comparison, only 13 percent of 1999-00 recent graduates not enrolled in college were unemployed. (NCES, 2001) As shown in the chart below, employment opportunities for high school dropouts continue to lag far behind their counterparts who attain a high school diploma or a college degree.



(Labor, 2002)

As recently as the 1970s, holding a high school diploma was considered an adequate, but not an essential, asset for entering the labor market. The technological advances of the last 30 years have fueled the demand for a more highly skilled work force. Employers increasingly require at least a high school diploma and look for employees with good communication, math and reading skills; computer skills; problem-solving and critical thinking; and the ability to work on a team. Dropouts who do manage to find employment can expect to earn approximately 35 percent less than the average salary of a high school graduate. (NCES, 2001)

Dropouts are three times as likely as high school completers that do not go on to college to receive public assistance. (NCES, 1998) Approximately one-third of female dropouts are pregnant and facing child-rearing responsibilities without an education or job experience to support their children adequately. (NEGP, 2001) In addition to these grim economic statistics, dropouts also make up a disproportionate percentage of the prison population, comprising 26.5 percent of federal prison population, 39.7 percent of the state prison population, and 46.5 percent of the local jail inmate population. (Justice, 2003) This is far costlier to both the individual and to society than a high school and/or college education.

Graduate and Dropout Definitions and Data Collections

Montana public, state-funded, and nonpublic, accredited schools are provided with the Montana Graduate and Dropout Data Collection Handbook that provides detailed instructions for collecting and reporting graduate and dropout data. Reports were received from all accredited schools for graduate and dropout data for the 2002-03 school year.

Traditionally, each fall schools report graduate data for all high schools and dropout data for grades 7 through 12 by gender and race/ethnicity categories for the previous school year. However, on January 8, 2002, President George Bush signed into law the reauthorization of the Elementary and Secondary Education Act (ESEA), otherwise known as the No Child Left Behind Act of 2001 (NCLB), which increases accountability for student academic achievement for all public schools. The Adequate Yearly Progress (AYP) of NCLB requires that public high schools disaggregate both dropout and graduate data not only by gender and race/ethnicity, but also by the following subgroups: economically disadvantaged, students with disabilities, limited English proficient, and migrant. In addition, public high schools must also report graduate data by whether or not graduates graduated "in the standard number of years" (i.e., "on-time").

The Office of Public Instruction (OPI) began collecting graduate and dropout data by these additional disaggregations for the 2002-03 school year. The OPI did not collect corresponding enrollment data by these additional categories; therefore, dropout rates can not be calculated. Since the graduation rate formula requires four years of dropout data, graduation rates for these additional disaggregations will not be available until the 2005-06 data is collected.

Graduate Definitions and Data Collection

Montana accredited high schools report graduate numbers to the OPI each fall for the previous school year using the definition shown in top box to the right.

Graduates are the count of individuals who:

- 1) completed the high school graduation requirements of a school district, including early graduates, during the previous school year,
- or*
- 2) completed the high school graduation requirements of a school district at the end of summer prior to the current school year.

General Education Development Test (GED) recipients are **not** counted as graduates.

Standard Number of Years (i.e., "On-time") Graduate is an individual who:

- 1) completes a district's graduation requirements in four years or less from the time an individual enrolled in the 9th grade,
- or*
- 2) has an Individualized Education Program (IEP) allowing for more than four years to graduate.

Dropout Definitions and Data Collection

Dropout rates can be calculated and reported in three different ways: event rates (snapshot of those who drop out in a single year), status rates (proportion of population who have not completed school and are not enrolled), and cohort rates (a more comprehensive picture which follows a sample group of students over time and generalizes their rate to a larger group). The collection method used in this report is an event rate adapted from the National Center for Education Statistics (NCES) at the U.S. Department of Education and is consistent with the requirements of the NCES Common Core of Data (CCD) reporting. This method has been used by Montana schools to report dropout data to the OPI since 1994-95.

Dropouts are the count of individuals who:

- 1) were enrolled in school on the date of the previous year October enrollment count or at some time during the previous school year and were not enrolled on the date of the current school year October count,
- or*
- 2) were not enrolled at the beginning of the previous school year but were expected to enroll and did not re-enroll during the year ("no show") and were not enrolled on the date of the current school year October count,
- and*
- 3) have not graduated from high school or completed a state or district-approved high school educational program,
- and*
- 4) have not transferred to another school, been temporarily absent due to a school-recognized illness or suspension, or died.

Data Limitations

Because the number of students enrolled for small schools and racial minority groups is relatively low, small annual changes in data can cause wide variations in annual completion, graduation, and dropout rates. For example, in a class with 10 students, one dropout would translate to a 10 percent dropout rate. A more realistic indicator for small schools and racial minority groups is an average of several years.

Currently, Montana does not have an individual student information system and, therefore, cannot track individuals across schools and school years. The OPI collects aggregate enrollment, graduate, and dropout counts each fall from schools, which carries with it the risk of misclassification of student data (i.e., reporting a student's race/ethnicity inconsistently between enrollment and dropout data collections, reporting a transfer student as a dropout).

Analysis of Montana 2002-03 Dropout Rates

Calculating a Dropout Rate

Dropout rates are calculated by dividing the number of dropouts as defined above by the October enrollment total, as illustrated in the box to the right. Dropout rates vary for disaggregated student groups (i.e., race/ethnicity, gender). Calculating and analyzing disaggregated dropout rates is key in determining if certain groups of students are more likely to drop out and can be used in developing and targeting dropout prevention efforts.

Dropout Rate Formula

Dropout Rate = Number of dropouts/October enrollment X 100

Example:

The 2002-03 Dropout Rate for Montana Accredited Schools = 1,910 Dropouts for grades 7 through 12 divided by 74,961 students enrolled in October 2002 multiplied by 100 = 2.5 %

2002-03 Montana Statewide Dropout Rate Summary

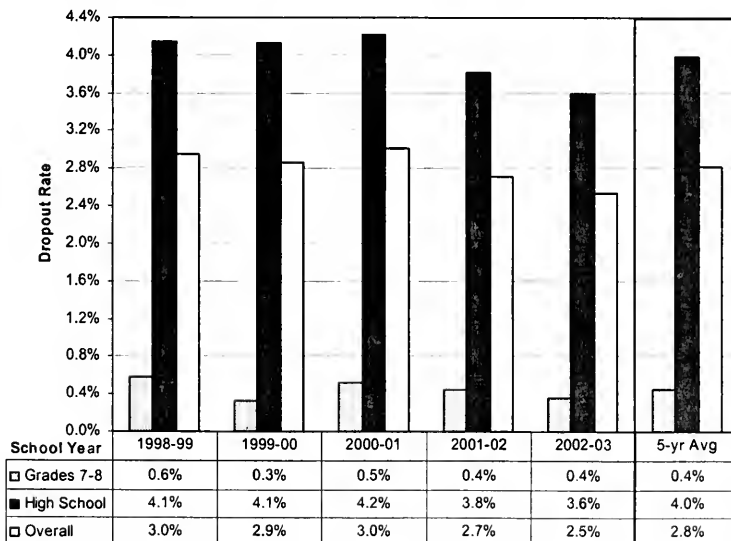
- ✓ Montana accredited schools reported that 1,910 students dropped out of grades 7 through 12 during the 2002-03 school year. The corresponding October enrollment was 74,961 yielding a dropout rate of 2.5 percent for the 2002-03 school year (see Table 1 on following page).
 - The 2002-03 dropout rate for Montana grades 7 and 8 was relatively low (0.4 percent), but represent 90 students leaving school at a very early age.
 - The 2002-03 dropout rate for Montana high schools was 3.6 percent.
- ✓ Peak dropout rates have traditionally been observed in 10th grade, when many students turn 16 and students can legally exit the school system. (Montana law states: "Except as provided in [Montana Code Annotated §20-5-102(2)], any parent, guardian, or other person who is responsible for the care of any child who is 7 years of age or older prior to the first day of school in any school fiscal year shall cause the child to be instructed in the program prescribed by the board of public education pursuant to 20-7-111 until the later of the following dates: (a) the child's 16th birthday; (b) the date of completion of the work of the 8th grade." Montana Code Annotated §20-5-102(1) (2001).) For the 2002-03 school year, however, peak dropout rates were observed in 11th and 12th grades.
- ✓ Males drop out of school at a higher rate than do females. Males represent 52 percent of the total school enrollment for grades 7 through 12 and 54 percent of the dropouts, whereas females represent 48 percent of the total school enrollment for grades 7 through 12 and 46 percent of the dropouts.
- ✓ For the 2002-03 school year, American Indian students represented 10.4 percent of the total school enrollment for grades 7 through 12, but account for 24.5 percent of the total dropouts.
 - The 2002-03 American Indian dropout rate for Montana grades 7 and 8 was 2.3 percent.
 - The 2002-03 American Indian dropout rate for Montana high schools was 8.1 percent.
- ✓ Statewide dropout rates have been on the decline for the past two years. It is unclear, however, whether this decline is due to improved dropout rates or improved dropout data collection procedures and increased emphasis placed on dropout data with regards to new federal accountability requirements for public high schools (see Figure 1 on following page).

Table 1
2002-03 Montana Dropout Rate Summary

	Dropout Rates	Dropout Count	Enrollment
Overall Total	2.5%	1,901	74,961
HS Total	3.6%	1,811	50,302
Gr 12	4.2%	489	11,767
Gr 11	4.2%	511	12,212
Gr 10	3.4%	435	12,824
Gr 9	2.6%	343	13,313
Ungraded* HS	17.7%	33	186
7 & 8 Total	0.4%	90	24,659
Gr 8	0.4%	53	12,235
Gr 7	0.3%	37	12,388
Ungraded* 7-8	0.0%	0	36
Gender			
Male	2.7%	1,026	38,697
Female	2.4%	875	36,264
Race/Ethnicity			
American Indian	6.0%	465	7,775
Asian	0.8%	6	738
Hispanic	3.9%	52	1,326
Black	2.3%	9	392
Pacific Islander	2.0%	2	98
White	2.1%	1,367	64,632

*A class that is not organized on the basis of grade grouping and has no standard grade designation.
(NCES)

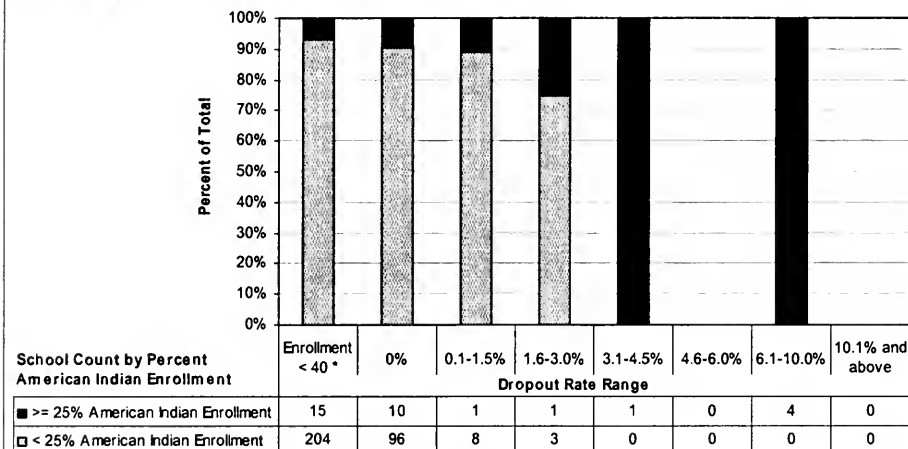
Figure 1: Montana Dropout Rates- 1998-99 to 2002-03



Distribution of Dropout Rates

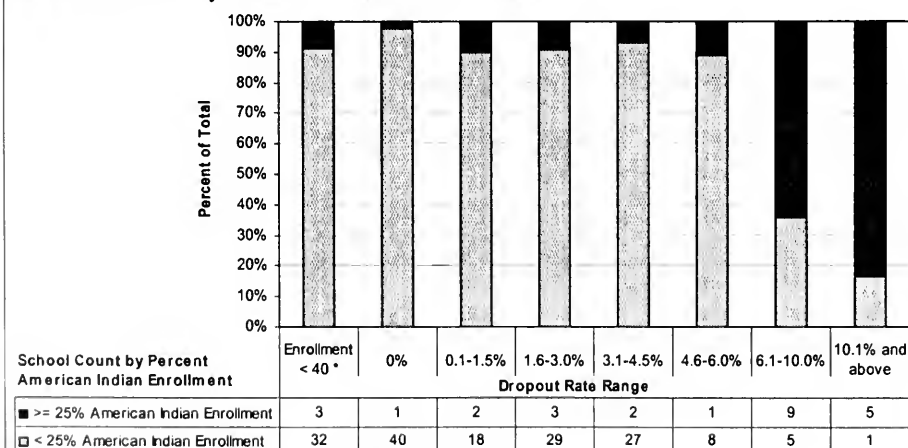
Although statewide dropout rates are useful, they can disguise differences observed between various types of schools. Figures 2 and 3 show the distribution of 2002-03 dropout rates across Montana schools by percent of American Indian students enrolled. Although schools with 25 or more percent American Indian students enrolled represented 11 percent of the total schools serving grades 7 through 12, they accounted for 75 percent of the schools with dropout rates greater than 6 percent. Because small annual changes in the number of dropouts can cause wide variations in dropout rates for schools with low enrollments, schools with enrollments fewer than 40 students are excluded from this analysis.

Figure 2: Distribution of 2002-03 Dropout Rates for Grades 7-8 for Montana Schools by Percent American Indian Enrollment



*Schools with enrollments fewer than 40 are excluded from analysis.

Figure 3: Distribution of 2002-03 Dropout Rates for Grades 9-12 for Montana Schools by Percent American Indian Enrollment



*Schools with enrollments fewer than 40 are excluded from analysis.

Dropout Rates for Disaggregated Student Populations

Since dropout rates can vary greatly between certain student populations, calculating and analyzing disaggregated dropout rates is key in developing and targeting dropout prevention strategies. The data collected by the OPI allows for the analysis of dropout rates by grade, gender, race/ethnicity, and various types of schools.

Dropout Rates by Gender

In Montana schools, more males than females are enrolled at every grade level. For the 2002-03 school year, about 52 percent of the total school enrollment for grades 7 through 12 was male and 48 percent was female. Males have also traditionally had higher dropout rates than females for most grade levels, although the gender difference appears to be narrowing somewhat.

Analysis of Dropout Rates by Gender

- ✓ Consistent with previous years, the 2002-03 dropout rate for grades 9 through 12 for males, 3.8 percent, was greater than for females, 3.4 percent (see Table 2 below).
- ✓ The 2002-03 dropout rate for grades 7 through 8 for females (0.5 percent) was greater than for males (0.3 percent), although it remains to be seen whether this is an anomaly due to small numbers.

Table 2
2002-03 Montana Dropout Rates by Grade and Gender

Grade	Dropout Rates			Dropout Count			Enrollment		
	Male	Female	Statewide	Male	Female	Statewide	Male	Female	Statewide
HS Total	3.8%	3.4%	3.6%	991	820	1,811	26,002	24,300	50,302
Grade 12	5.0%	3.3%	4.2%	300	189	489	6,030	5,737	11,767
Grade 11	4.2%	4.2%	4.2%	266	245	511	6,351	5,861	12,212
Grade 10	3.4%	3.4%	3.4%	222	213	435	6,553	6,271	12,824
Grade 9	2.7%	2.5%	2.6%	185	158	343	6,961	6,352	13,313
Ungraded* HS	16.8%	19.0%	17.7%	18	15	33	107	79	186
7 & 8 Total	0.3%	0.5%	0.4%	35	55	90	12,695	11,964	24,659
Grade 8	0.4%	0.5%	0.4%	23	30	53	6,295	5,940	12,235
Grade 7	0.2%	0.4%	0.3%	12	25	37	6,380	6,008	12,388
Ungraded* 7-8	0.0%	0.0%	0.0%	0	0	0	20	16	36
Overall Total	2.7%	2.4%	2.5%	1,026	875	1,901	38,697	36,264	74,961

- ✓ Both male and female high school dropout rates have been on the decline for the past two years, with the decline being more pronounced with male dropout rates. It is unclear at this time, however, whether this decline is due to improved dropout rates or improved dropout data collection procedures and increased emphasis placed on dropout data with regards to new federal accountability requirements for public high schools (see Table 3 and Figures 4 and 5 on following page).

Table 3
Montana Dropout Rates by Grade Level and Gender for Five Years

	Dropout Rates						Dropout Count					
	1998-99	1999-00	2000-01	2001-02	2002-03	5-yr Avg	1998-99	1999-00	2000-01	2001-02	2002-03	5-yr Total
7 & 8 Total	0.6%	0.3%	0.5%	0.4%	0.4%	0.4%	150	84	129	110	90	563
Male	0.7%	0.4%	0.6%	0.5%	0.3%	0.5%	92	48	72	67	35	314
Female	0.5%	0.3%	0.5%	0.4%	0.5%	0.4%	58	36	57	43	55	249
HS Total	4.1%	4.1%	4.2%	3.8%	3.6%	4.0%	2,144	2,127	2,166	1,937	1,811	10,185
Male	4.6%	4.5%	4.7%	4.2%	3.8%	4.4%	1,216	1,180	1,236	1,104	991	5,727
Female	3.7%	3.8%	3.7%	3.4%	3.4%	3.6%	928	947	930	833	820	4,458
Overall Total	3.0%	2.9%	3.0%	2.7%	2.5%	2.8%	2,294	2,211	2,295	2,047	1,901	10,748
Male	3.3%	3.1%	3.3%	3.0%	2.7%	3.1%	1,308	1,228	1,308	1,171	1,026	6,041
Female	2.6%	2.6%	2.7%	2.4%	2.4%	2.5%	986	983	987	876	875	4,707

Figure 4: Dropout Rates by Gender for Grades 7-8
1998-99 to 2002-03

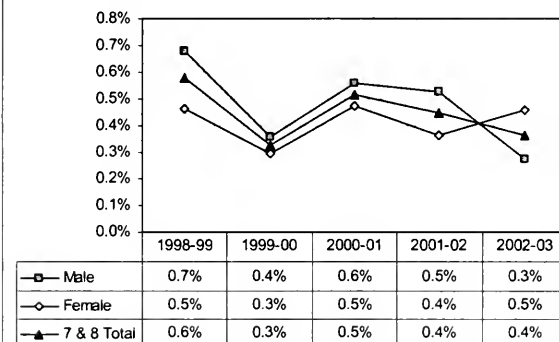
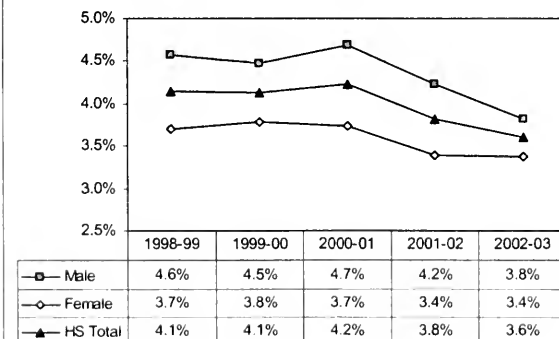
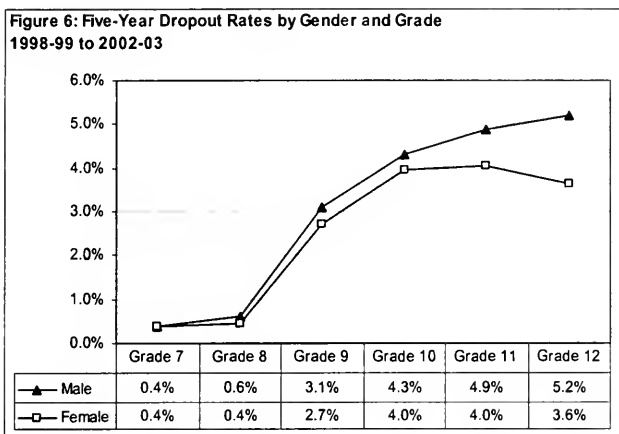


Figure 5: Dropout Rates by Gender for Grades 9-12
1998-99 to 2002-03



- ✓ As illustrated below in Figure 6, females drop out at a lower rate at every grade level than males.
- ✓ Peak dropout rates for females are observed around the 10th and 11th grades and then decrease for 12th grade. Dropout rates for males, however, increase steadily through grade 12.



Dropout Rates by Race/Ethnicity Categories

Dropout rates vary by race/ethnicity categories and for some minority groups are higher than the dropout rates for white students. For the 2002-03 school year, Montana school enrollment for grades 7 through 12 included 86.2 percent white students, 10.4 percent American Indians, 1 percent Asians, 1.8 percent Hispanics, 0.5 percent blacks, and 0.1 percent Hawaiian/Pacific Islanders. Because the enrollment of some minority groups is low, annual dropout rates for these groups may vary widely from year to year. Averages of a period of years are more realistic indicators of the dropout rates.

Analysis of Dropout Rates by Race/Ethnicity Categories

- ✓ Consistent with previous years, the 2002-03 dropout rate for the "American Indian" race/ethnicity category was considerably greater than the statewide average and that of the "White" category (see Table 4 below).

**Table 4
2002-03 Montana Dropout Rates by Race/Ethnicity Categories**

	Dropout Rates			Dropout Count			Enrollment		
	Grades 7-8	Grades 9-12	Total	Grades 7-8	Grades 9-12	Total	Grades 7-8	Grades 9-12	Total
American Indian	2.3%	8.1%	6.0%	66	399	465	2,875	4,900	7,775
Asian	0.0%	1.2%	0.8%	0	6	6	228	510	738
Hispanic	0.4%	6.0%	3.9%	2	50	52	487	839	1,326
Black	0.0%	3.8%	2.3%	0	9	9	155	237	392
Pacific Islander	0.0%	3.0%	2.0%	0	2	2	31	67	98
White	0.1%	3.1%	2.1%	22	1,345	1,367	20,883	43,749	64,632
Overall	0.4%	3.6%	2.5%	90	1,811	1,901	24,659	50,302	74,961

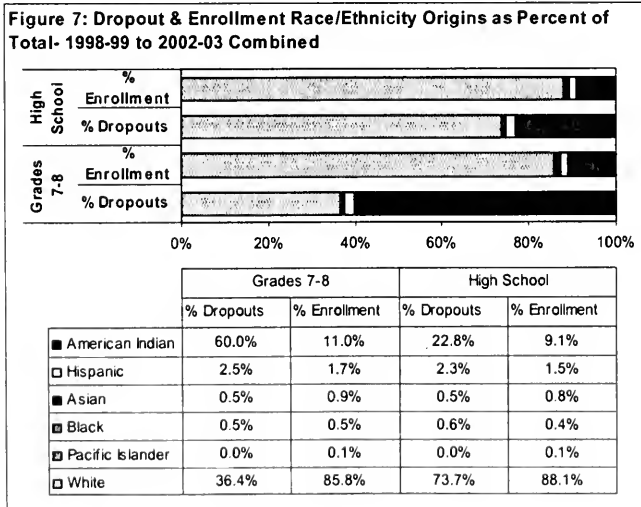
- ✓ For the 2002-03 school year, the race/ethnicity categories of Asian, Hispanic, Black, and Pacific Islander combined only accounted 69 dropouts from grades 7 through 12. The corresponding October enrollment was 2,554, yielding a dropout rate of 2.7 percent. Because the number of students enrolled for these race/ethnicity categories is low, annual dropout rates often vary widely from year to year, even when totaled at the state level. An average dropout rate utilizing dropout and enrollment data from multiple years is a more accurate indicator for these small groups (see Table 5 below).
- ✓ On average American Indian students drop out of grades 7 and 8 at a rate more than 12 times that of white students and out of high school at a rate more than three times that of white students.

Table 5
Montana Dropouts by Race/Ethnicity Categories for Five Years

Category	7 th & 8 th Grade Dropout Rates						High School Dropout Rates					
	1998-99	1999-00	2000-01	2001-02	2002-03	5-yr Avg	1998-99	1999-00	2000-01	2001-02	2002-03	5-yr Avg
American Indian	2.2%	1.7%	3.3%	2.7%	2.3%	2.4%	10.5%	11.0%	10.4%	10.0%	8.1%	10.0%
Asian	0.5%	0.4%	0.4%	0.0%	0.0%	0.3%	3.0%	3.0%	3.5%	2.1%	1.2%	2.5%
Hispanic	0.9%	0.9%	0.7%	0.5%	0.4%	0.6%	5.6%	4.8%	8.3%	5.1%	6.0%	5.9%
Black	0.9%	0.8%	0.8%	0.0%	0.0%	0.5%	8.2%	8.2%	4.9%	6.5%	3.8%	6.1%
Pacific Islander*	—	—	0.0%	0.0%	0.0%	—	—	—	2.4%	1.3%	3.0%	—
All Minority	1.9%	1.5%	2.7%	2.1%	1.8%	2.0%	9.3%	9.6%	9.5%	8.6%	7.1%	8.8%
White	0.4%	0.1%	0.1%	0.2%	0.1%	0.2%	3.5%	3.4%	3.5%	3.1%	3.1%	3.3%
Statewide	0.6%	0.3%	0.5%	0.4%	0.4%	0.4%	4.1%	4.1%	4.2%	3.8%	3.6%	4.0%

* "Native Hawaiian/Pacific Islander" race/ethnicity category added for the 1999-00 dropout data and the 2000-01 fall enrollment data. This category was previously grouped with the "Asian" race/ethnicity category.

- ✓ In the past five years, American Indians represented only 11 percent of the total school enrollment for grades 7 through 8, but accounted for 60 percent of the dropouts. For grades 9 through 12, American Indians represented 9.1 percent of the total school enrollment and 22.8 percent of the dropouts (see Figure 7 below).



A Closer Look at American Indian Dropout Rates

- ✓ Montana has seven Indian reservations and one landless tribe, therefore the “American Indian” race/ethnicity category represents the largest minority group in the state.
- ✓ For the past few years, Montana high school dropout rates, including those for American Indians, have been on the decline. It is unclear, however, whether this decline is due to improved dropout rates or improved dropout data collection procedures and the increased emphasis placed on dropout data with regards to new federal accountability requirements for public high schools.

Figure 8: Dropout Rates for Select Race/Ethnicity Categories for Grades 7-8 1998-99 to 2002-03

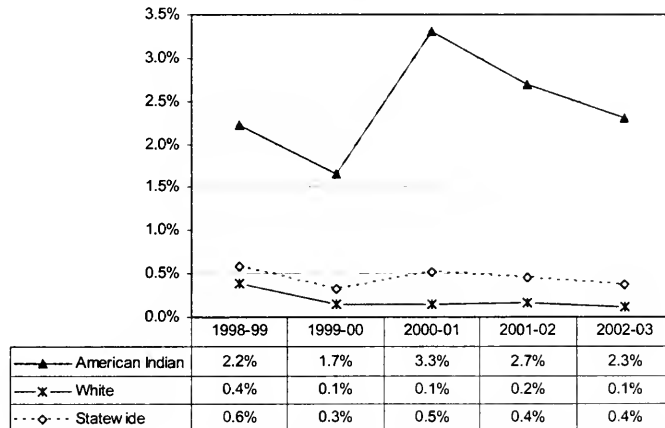
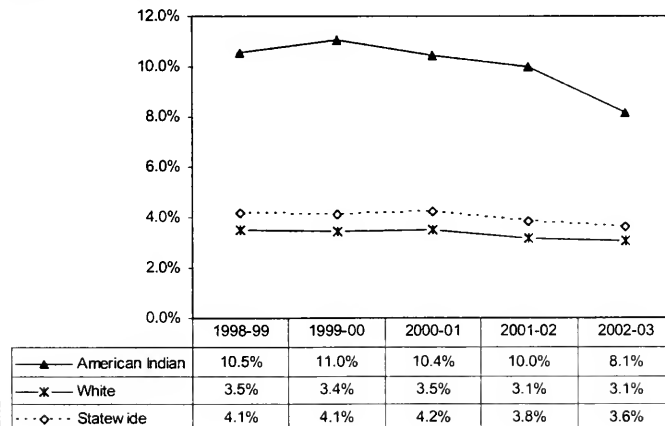
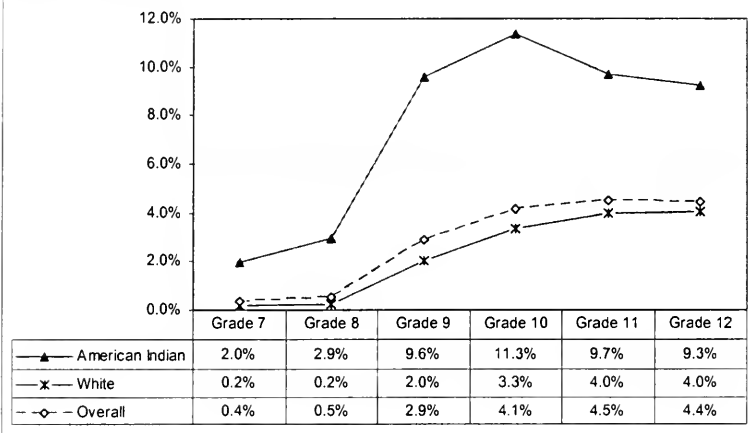


Figure 9: Dropout Rates for Select Race/Ethnicity Categories for Grades 9-12 1998-99 to 2002-03



- ✓ As illustrated below in Figure 10, white students drop out at a much lower rate at every grade level than American Indian students. Peak dropout rates for whites are observed around the 11th and 12th grades, whereas, dropout rates for American Indians peak a year earlier in grade 10.

Figure 10: Five-Year Dropout Rates by Grade for Select Race/Ethnicity Categories 1998-99 to 2002-03



- ✓ Although, in general, males drop out of school at a higher rate than do females, this gender difference is not observed for the American Indian population. As illustrated in Figures 11 and 12, for the past five years, American Indian females have dropped out at the same, if not higher rate than males.

Figure 11: Dropout Rates for Select Race/Ethnicity Categories by Gender for Grades 7-8 1998-99 to 2002-03

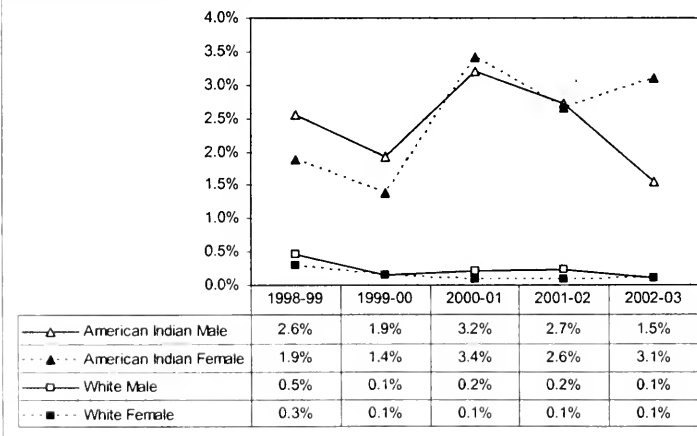
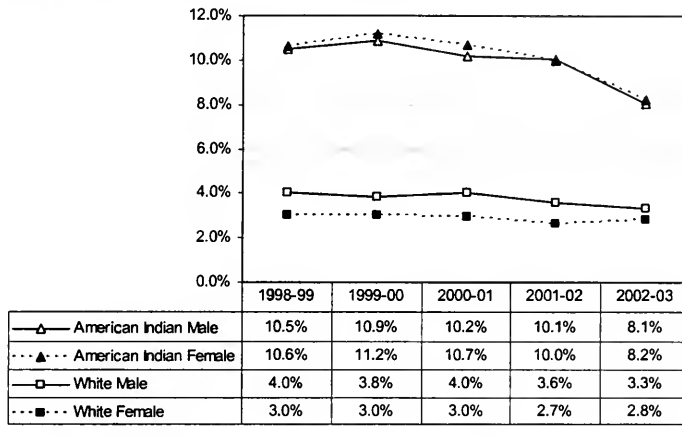
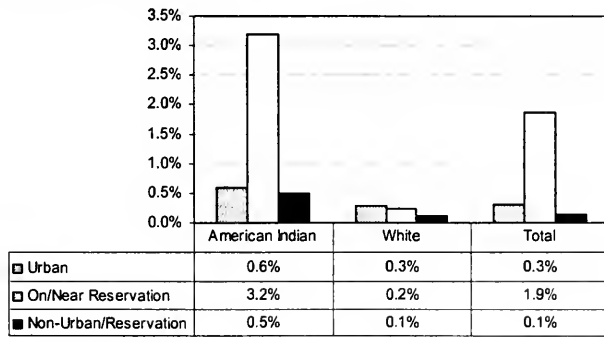


Figure 12: Dropout Rates for Select Race/Ethnicity Categories by Gender for Grades 9-12 1998-99 to 2002-03

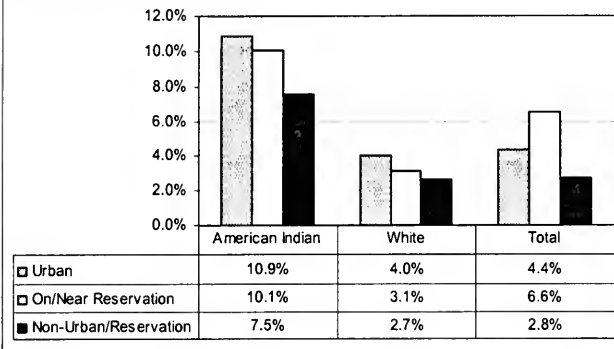


- ✓ During the 1998-99 through 2002-03 school years for grades 7 through 12, 72.6 percent of Montana's American Indian students were enrolled in a school located on or near an Indian reservation; 18.6 percent were enrolled in an "urban" school, defined as a school belonging to one of the state's seven largest school systems (Billings, Bozeman, Butte, Great Falls, Helena, Kalispell, and Missoula); and the remaining 8.8 percent were enrolled in non-urban/non-reservation schools.
- ✓ As illustrated below in Figure 13, the five-year dropout rate for grades 7 through 8 was considerably higher (3.2 percent) for schools located on or near a reservation than for urban (0.6 percent) and non-urban/non-reservation schools (0.5 percent).
- ✓ As illustrated on the following page in Figure 14, the five-year dropout rate for grades 9 through 12 was slightly higher for urban schools (10.9 percent) than for schools located on or near a reservation (10.1 percent) and non-urban/non-reservation schools (7.5 percent).

Figure 13: Five-Year Dropout Rates for Select Race/Ethnicity Categories by School Location for Grades 7-8 1998-99 to 2002-03



**Figure 14: Five-Year Dropout Rates for Select Race/Ethnicity Categories by School Location for Grades 9-12
1998-99 to 2002-03**



Dropout Rate by Size of District

For the purposes of comparing similarly sized school districts, Montana districts have been identified by size categories based on enrollment numbers.

Category- Elementary Enrollment

1E= more than 2,500 students
 2E= 851 to 2,500 students
 3E= 401 to 850 students
 4E= 151 to 400 students
 5E= 41 to 150 students
 6E= 40 or fewer students

Category- High School Enrollment

1H= more than 1,250 students
 2H= 401 to 1,250 students
 3H= 201 to 400 students
 4H= 76 to 200 students
 5H= 75 or fewer students

Category- K-12 Districts

1K= 400 or more students
 2K= 399 or fewer students

Analysis of Dropout Rates by School District Size

- ✓ The highest dropout rates for grades 7 through 8 are observed for 3E districts with enrollments between 401 to 850 students. Interestingly, 3E districts have the highest percent American Indian enrollment at 21.3 percent (see Table 6 and Figure 15 on following page).
- ✓ As illustrated in Table 6, on average at the high school level, smaller school districts have lower dropout rates than do larger districts, with the highest dropout rates being observed for 2H districts with enrollments between 401 to 1,250 students.
- ✓ The above trend is not observed when data are disaggregated by race/ethnicity. Unlike the "White" race/ethnicity category, American Indian dropout rates at the high school level remain consistently high amongst the various district size categories (see Figure 16 on following page).

Table 6
Montana Dropout Rate by School District Size

Level	1E,1H	2E,2H	3E,3H	4E,4H	5E,5H	6E	1K	2K	All Schools
<u>7/8 dropouts</u>									
2002-03 rate	0.1%	0.9%	0.7%	0.1%	0.1%	0.0%	0.3%	0.4%	0.4%
2001-02 rate	0.2%	0.9%	0.8%	0.4%	0.1%	0.0%	0.3%	0.2%	0.4%
2000-01 rate	0.2%	0.9%	1.2%	0.6%	0.2%	0.0%	0.2%	0.0%	0.5%
1999-00 rate	0.2%	0.2%	1.0%	0.3%	0.3%	0.0%	0.4%	0.3%	0.3%
1998-99 rate	0.6%	0.4%	0.7%	0.6%	0.4%	0.6%	0.2%	0.3%	0.5%
5-yr average rate	0.3%	0.6%	0.9%	0.4%	0.2%	0.1%	0.3%	0.2%	0.4%
<u>HS dropouts</u>									
2002-03 rate	3.9%	4.2%	4.2%	2.9%	0.6%	NA	2.7%	1.9%	3.6%
2001-02 rate	4.2%	4.5%	4.0%	3.9%	1.0%	NA	2.5%	1.5%	3.8%
2000-01 rate	4.5%	5.4%	4.2%	3.5%	1.4%	NA	3.3%	1.8%	4.2%
1999-00 rate	4.4%	4.9%	4.1%	4.0%	4.4%	NA	2.3%	2.5%	4.1%
1998-99 rate	4.9%	3.6%	4.0%	3.5%	4.0%	NA	3.5%	2.0%	4.1%
5-yr average rate	4.4%	4.5%	4.1%	3.6%	2.3%	NA	2.9%	1.9%	4.0%

Figure 15: Five-Year Dropout Rates by District Size Category for Select Race/Ethnicity Categories for Grades 7-8 1998-99 to 2002-03

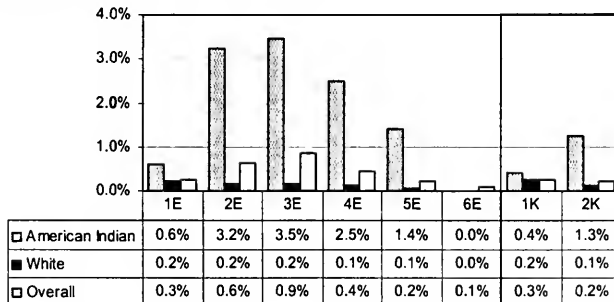
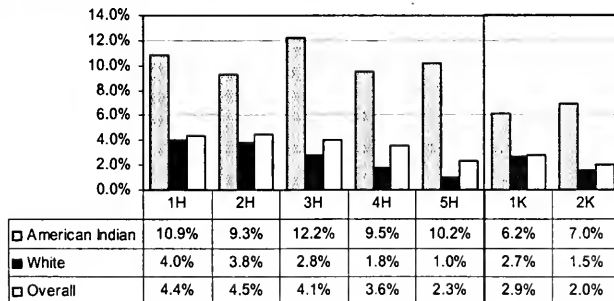


Figure 16: Five-Year Dropout Rates by District Size Category for Select Race/Ethnicity Categories for Grades 9-12 1998-99 to 2002-03



Other Types of Dropout Indicators— The Completion and Graduation Rate

The dropout rates identified thus far in this report are annual snapshots of grade-by-grade dropouts. The dropout data used to calculate those annual rates can be used in conjunction with graduate data to build a “synthetic” high school completion rate or “on-time” graduation rate for a specific class of students, even though each student is not followed through high school.

The Completion Rate

The National Center for Education Statistics (NCES) developed a formula as a practical way to calculate a completion rate after studying a variety of calculation methods (see box to the right).

This estimated cohort method utilizes both dropout and graduate data and can be calculated for all accredited schools, but does require data from four consecutive years.

Completion Rate Formula

$$\text{Completion Rate} = g_t / (g_t + d^{12}_t + d^{11}_{(t-1)} + d^{10}_{(t-2)} + d^9_{(t-3)})$$

Where:

g_t = number of graduates receiving a standard high school diploma

t = year of graduation

d = dropouts

12, 11, 10, 9 = class level

Example:

The 2002-03 Completion Rate for Montana High Schools = 10,978 Graduates for Class of 2003 divided by (1,953 students dropped out over four years plus 10,978 Graduates for the Class of 2003) multiplied by 100 = 84.9 %

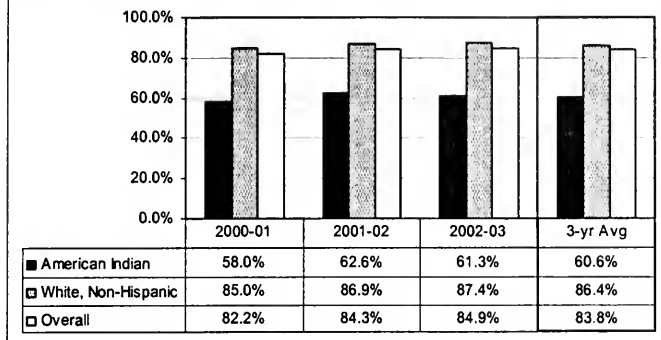
Analysis of Completion Rates

- ✓ The overall completion rate for the Class of 2003 was 84.9 percent (see Table 7 below).
- ✓ For the Class of 2003, females had a higher completion rate (86.5 percent) than males (83.4 percent).
- ✓ The race/ethnicity categories of Asian, Hispanic, Black, and Pacific Islander only accounted for 3.6 percent of the 2002-03 graduates and 3.2 percent of the dropouts over four years. Therefore, as with dropout rates, the completion rates for these race/ethnicity categories tend to vary widely from year to year.
- ✓ The Class of 2003 completion rate for the “American Indian” race/ethnicity category was considerably lower than the statewide completion rate and that of the “White” category.
- ✓ As illustrated on the following page in Figure 17, American Indian students had a three-year average completion rate of 60.6 percent, noticeably lower than the “White” average of 86.4 percent.
- ✓ Completion rates for whites have increased slightly for the past three years. Increased completion rates have not been observed for American Indian students.

Table 7
2002-03 Montana Completion Rate Summary

	Dropouts					Graduates 2002-03	Completion Rate
	Grade 9 1999-00	Grade 10 2000-01	Grade 11 2001-02	Grade 12 2002-03	4-yr Dropout Total		
Overall Total	398	560	506	489	1,953	10,978	84.9%
Gender							
Male	209	305	288	300	1,102	5,544	83.4%
Female	189	255	218	189	851	5,434	86.5%
Race/Ethnicity							
American Indian	155	144	100	64	463	734	61.3%
Asian	0	5	2	3	10	119	92.2%
Hispanic	8	13	12	11	44	166	79.0%
Black	1	1	3	3	8	44	84.6%
Pacific Islander	0	0	1	0	1	10	90.9%
White	234	397	388	408	1,427	9,905	87.4%

Figure 17: Montana Completion Rates- 2000-01 to 2002-03



The Adequate Yearly Progress (AYP) Graduation Rate

Graduation rate, defined as “the percentage of students who graduate from secondary school with a regular diploma in the standard number of years” (i.e., “on-time”), is the required additional indicator for public high schools in AYP determinations. Montana’s U.S. Department of Education approved high school graduation rate is an estimated cohort group rate based on the method recommended by the NCES. Public high schools that have at least 20 students in a cohort must have a graduation rate for the “All Students Combined” subgroup of at least 80 percent or make improvement towards this goal to meet this indicator. Montana’s graduation rate is calculated using the formula in the box to the right.

AYP Graduation Rate Formula

$$\text{Graduation Rate} = g_t / (c_t + g_t + d^{12}_t + d^{11}_{(t-1)} + d^{10}_{(t-2)} + d^9_{(t-3)})$$

Where:

g_t = number of graduates receiving a standard high school diploma in four years or less (from the time enrolled in the 9th grade) or had an IEP allowing for more than four years to graduate.

c_t = completers of high school by other means

t = year of graduation

d = dropouts

12, 11, 10, 9 = class level

Example:

The 2002-03 Graduation Rate for Montana Public High Schools = 10,552 “On-time” Graduates for Class of 2003 divided by (1,913 students dropped out over four years plus 105 Not “On-time” Graduates for the Class of 2003 plus 10,552 “On-time” Graduates for the Class of 2003) multiplied by 100 = 83.9 %

Analysis of AYP Graduation Rates

- ✓ The Class of 2003 AYP Graduation Rate for “All Students Combined” was 83.9 percent (see Table 8 and Figure 18 on following page).
- ✓ Disaggregated graduation rates are not used for determinations on this indicator. However, for the Class of 2003 the American Indian graduation rate was considerably lower than any of the subgroups. Therefore, schools with predominantly American Indian enrollment may find it more difficult to meet the 80 percent goal.
- ✓ Graduate and dropout data for the “Economically Disadvantaged,” “Limited English Proficient,” and “Students with Disabilities” subgroups was collected for the first time by the OPI for the 2002-03 school year. Since the AYP graduation rate formula requires four consecutive years of data, the OPI will not be able to calculate graduation rates for these subgroups until data for the 2005-06 school year is collected.
- ✓ Although graduate and dropout data for the 2002-03 school year has been collected by the OPI, individual school and district AYP determinations for the 2003-04 school year which use these data will not be made until the winter of 2004. However, for the 2002-03 school year AYP results, 92.5 percent of the public high schools made the graduation rate indicator for the Class of 2002 (see Figure 19 on the following page).

Table 8
Montana Public High School AYP Graduation Rate for the Class of 2003

Subgroups	Dropouts					Graduates 2002-03		AYP Graduation Rate
	Grade 9 1999-00	Grade 10 2000-01	Grade 11 2001-02	Grade 12 2002-03	4-yr Dropout Total	Not On-time	On-time	
All Students Combined	383	550	497	483	1,913	105	10,552	83.9%
American Indian	142	135	92	58	427	27	633	58.2%
Asian	0	5	2	3	10	3	109	89.3%
Hispanic	8	13	12	11	44	1	158	77.8%
Black	1	1	3	3	8	2	42	80.8%
Pacific Islander	0	0	1	0	1	1	9	81.8%
White	232	396	387	408	1,423	71	9,601	86.5%
Economically Disadvantaged	NA	NA	NA	NA	NA	NA	NA	NA
Limited English Proficient	NA	NA	NA	NA	NA	NA	NA	NA
Students with Disabilities	NA	NA	NA	NA	NA	NA	NA	NA

Figure 18: Montana Public High School AYP Graduation Rates for All Students Combined and Race/Ethnicity (School Year 2002-03)

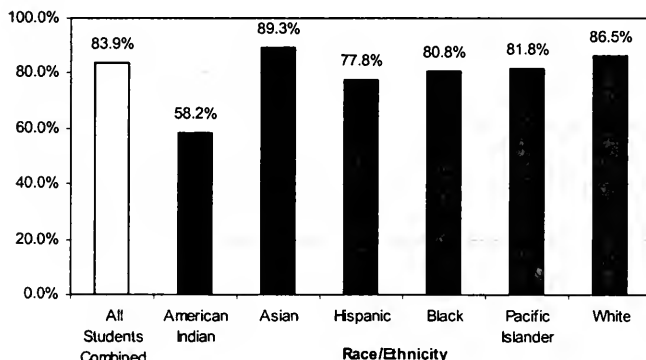
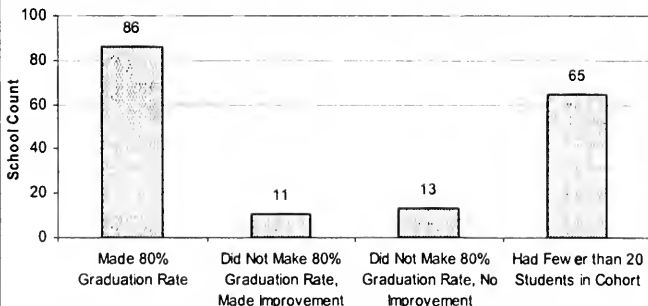


Figure 19: 2002-03 School Year AYP Results, Class of 2002 Graduation Rates*



* AYP Graduation Rates for the Class of 2002 did not take into account "on-time" status of graduates.

What Helps Prevent Students from Dropping Out?

Several studies have identified effective strategies to prevent students from leaving high school before receiving a diploma (NEGP, 2000). Some of those strategies include:

- providing intensive intervention through smaller alternative middle and high schools,
- focusing on changing the classroom experience through professional development to improve curriculum and instruction rather than focusing on dropout prevention services,
- mentoring and tutoring by supportive adults and peers,
- evaluating the impact of policies, practices, and structures on all students, and
- providing collective support to school and student needs through community and family collaboration.

Final Note

Policy implications that were identified by research studies as critical to the effectiveness of dropout intervention strategies included:

- The choice of teachers is more important than the choice of curriculum.
- The high school level may be too late to begin implementing intervention strategies.
- Data is needed to design appropriate strategies to prevent students from dropping out (NEGP, 2000).

The goal of gathering dropout information is to identify where and when students drop out of school and to use this knowledge to help keep students in school. Each community needs to learn the unique reasons why students drop out of their schools and, as a community, participate in supporting interventions to keep them in school and perhaps break the cycle of at-risk factors.

References

- Lewis, Anne C. (2000). Dropouts from the K-12 public school system. *The NEGP Monthly*, Vol. 2, No. 19 (p. 1-2). August, 2000. Retrieved February 5, 2004, <http://www.negp.gov/issues/issu/monthly/0800.pdf>
- Lewis, Anne C. (2001). Graduation rates up, down, and all around the issues. *The NEGP Monthly*, Vol. 2, No. 25 (pp. 1). February, 2001. Retrieved February 5, 2004, <http://www.negp.gov/issues/issu/monthly/0201.pdf>
- Montana Office of Public Instruction. *Montana Graduate and Dropout Data Collection Handbook*, (p.i), September 2003, <http://www.opi.state.mt.us/pdf/adcdohandbook.pdf>
- U.S. Department of Education, National Center for Education Statistics. (1998). *The Condition of Education 1998*, (NCES Publication No. 98-013), by John Wirt, Tom Snyder, Jennifer Sable, Susan Choy, Yupin Bae, Janis Stennett, Allison Gruner, and Marianne Perie. Washington, DC: U.S. Government Printing Office.
- U.S. Department of Education. National Center for Education Statistics. (2001). *Digest of Education Statistics, 2000*, (NCES Publication No. 2001-034), by Thomas D. Snyder and Charlene M. Hoffman. Washington, DC: U.S. Government Printing Office.
- U.S. Department of Justice, Office of Justice Statistics. (2003, January). *Education and Correctional Populations*, (NCJ Publication No. 195670). Retrieved February 5, 2004, <http://www.ojp.usdoj.gov/bjs/pub/pdf/ecp.pdf>
- U.S. Department of Labor, Bureau of Labor Statistics. (2002). *Current Population Survey. Annual Average Data. Employment Status of the civilian noninstitutional population 25 years and over by educational attainment, sex, race, and Hispanic origin*. Retrieved February 5, 2004, <http://www.bls.gov/cps/cpsaat7.pdf>

Additional Dropout Resources on the Web

- National Center for Education Statistics- <http://www.nces.ed.gov/>
- National Dropout Prevention Center/Network- <http://www.dropoutprevention.org/>
- National Education Goals Panel- <http://www.negp.gov/>
- United States Census Bureau- <http://www.census.gov/index.html>

APPENDIX G



State-Tribal Relations Interim Committee

58th Montana Legislature

SENATE MEMBERS

JOHN BOHLINGER—Chair
EDWARD BUTCHER
KEN HANSEN
CAROLYN SQUIRES

HOUSE MEMBERS

CAROL JUNEAU—Vice Chair
BRUCE MALCOLM
RICK RIPLEY
JONATHAN WINDY BOY

COMMITTEE STAFF

CONNIE ERICKSON, Research Analyst
EDDY MCCLURE, Staff Attorney
DAWN FIELD, Secretary

RECOMMENDATIONS FROM PUBLIC HEARINGS ON HOUSE JOINT RESOLUTION NO. 8

The State-Tribal Relations Committee held three public hearings to gather information and recommendations for its study on dropout prevention, particularly as it pertains to American Indian students. The hearings were held at:

- Fort Belknap Community College on September 29, 2003
- Montana Indian Education Association Conference in Missoula on April 2, 2004
- Lame Deer Alternative High School on June 2, 2004

The following are the recommendations made by participants at the public hearings.

Recommendations to the State Legislature

1. Enact an Indian employment preference law for schools with a substantial Indian enrollment.
2. Perform a follow-up study to the Indian education study done in 1995.
3. Provide financial incentives to schools that show significant increases in their graduation rates.
4. Provide technical and financial support to small businesses on reservations.
5. Provide funding for appropriate and adequate mental health services for youth.
6. Extend the school enrollment age limit from age 18 to age 20.
7. Require the appointment of an Indian representative to the Board of Regents.

Recommendations to the Board of Public Education

1. Establish an Indian teacher training program in cooperation with the Montana University System
2. Allow students to receive high school credit for cultural activities.
3. Establish a goal of an 80% graduation rate in every Montana high school.
4. Allow schools to adopt more flexible graduation requirements if their graduation rate is below 80%.
5. Allow high schools to offer GED programs.
6. Allow schools to teach creation science because it is more compatible with native American creation stories.
7. Ensure that teacher preparation programs include instruction on Indian

learning styles.

Recommendations to the Office of Public Instruction

1. Require the Superintendent of Public Instruction to give a State of Indian Education address at every legislative session.
2. Establish a program within OPI whose purpose is to improve the Indian graduate rate.
3. Develop models of successful dropout prevention programs.
4. Create a statewide data base on graduation statistics disaggregated by ethnic groups.
5. Develop a statewide tracking system for students who drop out of school.

Recommendations to School Districts

1. Require a tribal culture orientation for new teachers in schools on or near reservations.
2. Incorporate tribal culture content into the curriculum
3. Adopt more flexible attendance and discipline policies that reflect the community's culture.
4. Provide more opportunities for students to participate in extracurricular activities.
5. Specify ways in which parents can become involved in schools; encourage parental involvement in schools; make schools a comfortable place for parents.
6. Allow the teaching of tribal languages in schools.
7. Design school programs to meet student needs.
8. Make learning relevant to the local community.
9. Allow high school students to take adult education or college courses at the high school's expense.
10. Place greater emphasis on the importance of reading.
11. Assist students who are also parents to complete their high school education.
12. Encourage continued participation in sports by students once they enter high school.
13. Hire more American Indian coaches and counselors.
14. Offer summer school programs.
15. Have teachers make home visits.
16. Provide housing opportunities on reservations so teachers will live in and bond with the community.
17. Adopt a school schedule (day and year) that reflects student and community needs.
18. Provide better information to parents on how to advocate for their children when their children are in trouble in school.
19. Encourage teachers to respect all students and have high expectations for all students.
20. Work to eliminate racism and discrimination in the schools.

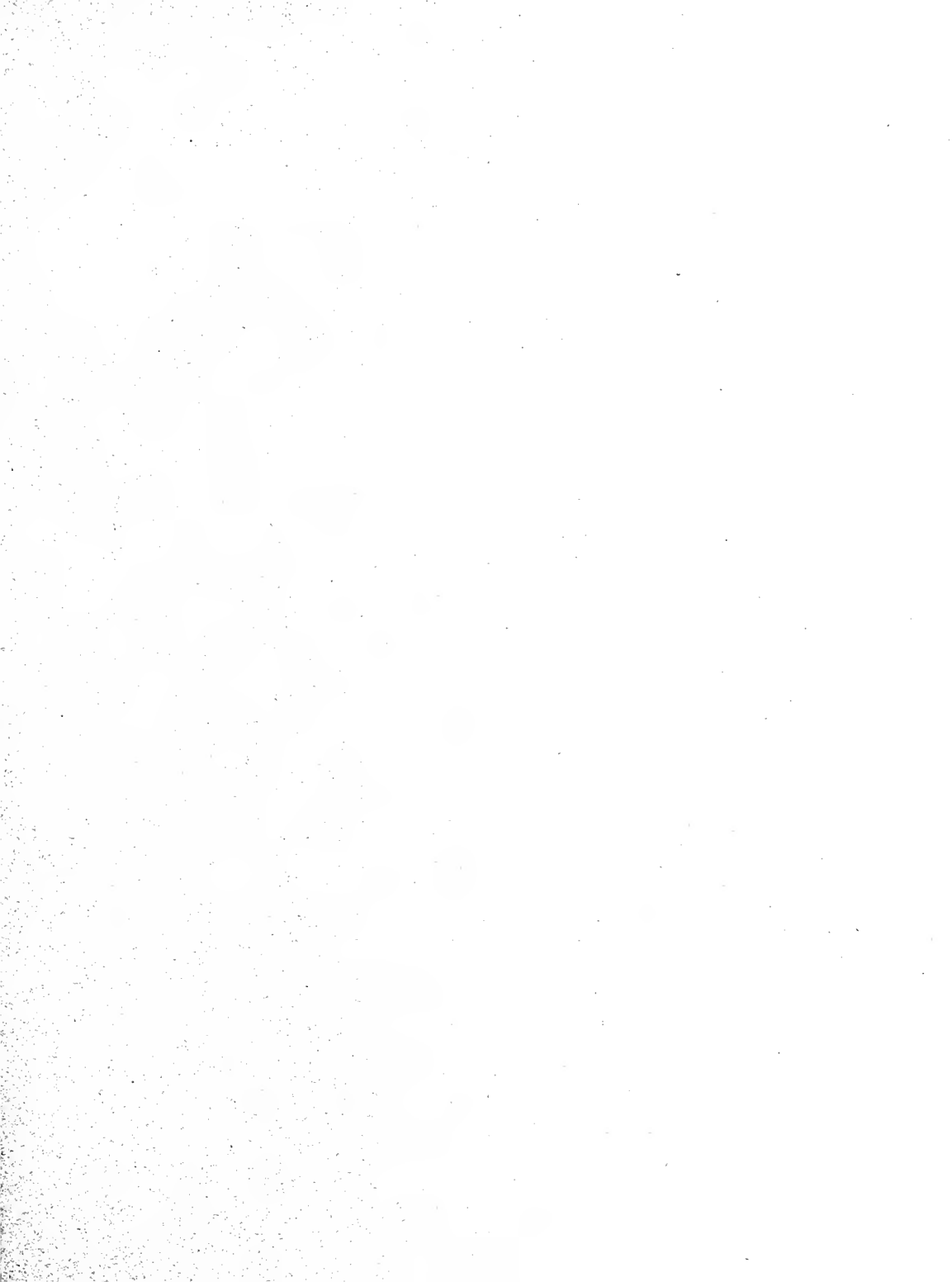
21. Allow parents, students, and the community to help design schools and school programs.
22. Enforce truancy laws.

Recommendations to Tribes

1. Become more involved in school governance structures.
2. Develop education standards, based on Montana standards, and coordinate with local schools.

General Recommendations

1. Require collaboration among all of the programs that serve youth in a community.
2. Focus on students' strengths, not on students' weaknesses.



50 copies of this public document were published at an estimated cost of \$7.00 per copy, for a total cost of \$350.00, which includes \$350.00 for printing and \$0.00 for distribution.